



3 1761 11971843 5





CA1 XY 2

- 66 R25.

Canada. Parliament. Special joint  
committee respecting Mr. Justice  
Landreville.

Minutes of proceedings & evidence.  
No. 1-7, 1967.









Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761119718435>



563

(29)

First Session—Twenty-Seventh Parliament

1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING

**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang

and

Mr. Ovide Laflamme, M.P.

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

---

WEDNESDAY, FEBRUARY 1, 1967

THURSDAY, FEBRUARY 9, 1967

LIBRARY

MAR 8 1967

WITNESS:

Dr. Maurice Olivier, Parliamentary Counsel.

UNIVERSITY OF TORONTO

---

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

The Honourable Senators

Cook,

Fournier

(de Lanaudière),

Hnatyshyn,

Langlois,

Macdonald (Cape

Breton),

*Representing the House of Commons:*

Mr. Bell (Carleton),

Mr. Cashin,

Mr. Fairweather,

Mr. Gilbert,

Mr. Guay,

Mr. McCleave,

Mr. Patterson,

Mr. Richard,

Mr. Stafford,

Mr. Tolmie,

Mr. Woolliams.

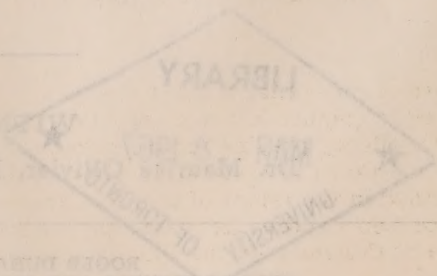
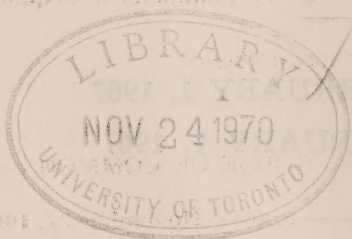
Fernand Despatie,  
*Clerk of the Committee.*

<sup>1</sup> Replaced Mr. Coates on January 11, 1967.

<sup>2</sup> Replaced Mr. Brewin on February 8, 1967.

<sup>3</sup> Replaced Mr. Choquette on February 3, 1967.

<sup>4</sup> Replaced Mr. Fulton on February 9, 1967.





## ORDER OF REFERENCE OF THE SENATE

Extracts from the Minutes of the Proceedings of the Senate, November 30, 1966:

"Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Message from the House of Commons requesting the appointment of a Special Joint Committee of the Senate and House of Commons respecting Mr. Justice Leo Landreville.

The Honourable Senator Connolly, P.C., moved, seconded by the Honourable Senator Deschatelets, P.C.:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to enquire into and report upon the expediency of presenting an address to His Excellency praying for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions contained in the report of the Honourable Ivan C. Rand concerning the said Mr. Justice Leo Landreville, dated the 11th day of August, 1966, and tabled in the House of Commons on the 29th day of August, 1966, and tabled in the Senate on the 22nd day of November, 1966;

That the Senate designate six Members of the Senate to be members of the Joint Committee, namely, the Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois and Macdonald (*Cape Breton*).

That the Committee have the power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary, to call for persons, papers and records, to engage counsel, to sit during sittings and adjournments of the Senate and to report from time to time;

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for its use and the use of Parliament; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative."

## ORDERS OF REFERENCE OF THE HOUSE OF COMMONS

MONDAY, November 21, 1966.

*Resolved*,—That a Joint Committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency praying for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions contained in the report of the Honourable Ivan C. Rand concerning the said Mr. Justice Leo Landreville, dated the 11th day of August 1966 and tabled in the House of Commons on the 29th day of August, 1966;

That 12 Members of the House of Commons, to be designated later, be members of the Joint Committee on the part of this House;

That the Committee have power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary; to call for persons, papers and records and to engage counsel, to sit while the House is sitting and to report from time to time;

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for its use and for the use of Parliament; and that Standing Order 66 of the House of Commons be suspended in relation thereto.

FRIDAY, December 16, 1966.

*Ordered*,—That the Members of the House of Commons on the Special Joint Committee of both Houses to inquire into and report on the expediency of presenting an address to His Excellency praying for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario be:—Messrs. Bell (Carleton), Brewin, Cashin, Choquette, Coates, Fulton, Laflamme, Patterson, Richard, Stafford, Tolmie and Woolliams.

WEDNESDAY, January 11, 1967.

*Ordered*,—That the name of Mr. Fairweather be substituted for that of Mr. Coates on the Special Joint Committee respecting Mr. Justice Landreville.

FRIDAY, February 3, 1967.

*Ordered*,—That the name of Mr. Guay be substituted for that of Mr. Choquette on the Special Joint Committee respecting Mr. Justice Landreville.

MONDAY, February 6, 1967.

*Ordered*,—That the quorum of the Special Joint Committee respecting Mr. Justice Landreville be fixed at seven (7) Members, provided that both Houses are represented.

WEDNESDAY, February 8, 1967.

*Ordered*,—That the name of Mr. Gilbert be substituted for that of Mr. Brewin on the Special Joint Committee respecting Mr. Justice Landreville.

THURSDAY, February 9, 1967.

*Ordered*,—That the name of Mr. McCleave be substituted for that of Mr. Fulton on the Special Joint Committee respecting Mr. Justice Landreville.

Attest:

LÉON-J. RAYMOND,

*The Clerk of the House of Commons.*



## REPORT TO THE SENATE

Extracts from the Minutes of the Proceedings of the Senate, February 1, 1967:

"The Honourable Senator Lang, from the Special Joint Committee of the Senate and House of Commons respecting Mr. Justice Leo Landreville, presented its first Report as follows:

WEDNESDAY, February 1st, 1967.

The Special Joint Committee of the Senate and House of Commons respecting Mr. Justice Leo Landreville makes its first Report as follows:

Your Committee recommends that its quorum be fixed at seven members provided that both Houses are represented.

All which is respectfully submitted.

DANIEL LANG,  
*Joint Chairman.*

With leave of the Senate,

The Honourable Senator Lang moved, seconded by the Honourable Senator Cook, that the Report be adopted now.

The question being put on the motion, it was—  
Resolved in the affirmative."

## REPORT TO THE HOUSE OF COMMONS

THURSDAY, February 2, 1967.

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville has the honour to present its

### FIRST REPORT

Your Committee recommends that its quorum be fixed at seven (7) members, provided that both Houses are represented.

Respectfully submitted,

OVIDE LAFLAMME,  
*Joint Chairman.*

(Concurred in on Monday, February 6, 1967)



## MINUTES OF PROCEEDINGS

WEDNESDAY, February 1, 1967.

(1)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 1.30 p.m. this day, for the purpose of organization.

### *Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*) (6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Brewin, Fairweather, Laflamme, Patterson, Richard, Stafford, Tolmie, Woolliams (9).

The Clerk of the Committee opened the meeting and presided over the election of the Joint Chairmen from the Senate and from the House of Commons sections of this Special Joint Committee.

The Honourable Senator Langlois moved, seconded by the Honourable Senator Fournier (*de Lanaudière*),

That the Honourable Senator Lang be elected Chairman from the Senate section of this Special Joint Committee.

On motion of the Honourable Senator Langlois, seconded by the Honourable Senator Fournier (*de Lanaudière*),

*Resolved*,—That nominations be closed.

Thereupon, the Clerk of the Committee declared the Honourable Senator Lang duly elected Chairman from the Senate section of this Special Joint Committee.

Then it was moved by Mr. Bell (*Carleton*), seconded by Mr. Richard,

That Mr. Laflamme be elected Chairman from the House of Commons section of this Special Joint Committee.

On motion of Mr. Fairweather, seconded by Mr. Tolmie,

*Resolved*,—That nominations be closed.

Thereupon, the Clerk of the Committee declared Mr. Laflamme duly elected Chairman from the House of Commons section of this Special Joint Committee.

The Clerk of the Committee then invited the Joint Chairmen to come to the head table and the conduct of the meeting was turned over to those gentlemen.

On motion of the Honourable Senator Fournier (*de Lanaudière*), seconded by Mr. Tolmie,

*Resolved*,—That the Committee print from day to day 800 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence.



On motion of the Honourable Senator Langlois, seconded by the Honourable Senator Fournier (*de Lanaudière*),

*Resolved*,—That the Subcommittee on Agenda and Procedure be comprised of the Joint Chairmen and Mr. Bell (*Carleton*).

On motion of Mr. Brewin, seconded by the Honourable Senator Hnatyshyn,

*Resolved*,—That the Committee seek permission to have its quorum fixed at seven (7) members provided that both Houses are represented.

There followed a discussion pertaining to the matter before the Committee. The Clerk of the Committee was directed to read the Order of Reference.

The Joint Chairman, Mr. Laflamme, read extracts from a letter dated January 5, 1967, addressed to the Minister of Justice by Mr. David G. Humphrey, Q.C., Counsel for Mr. Justice Landreville.

The Committee agreed upon the advisability of engaging counsel. On motion of Mr. Wooliams, seconded by Mr. Stafford,

*Resolved*,—That the Subcommittee on Agenda and Procedure be asked to look into the question of possible candidates and make a recommendation to the Main Committee.

It was indicated by the Joint Chairman, Mr. Laflamme, that a "Memorandum on Procedure" is being prepared by Dr. Maurice Ollivier, Parliamentary Counsel. A copy of this document will be distributed to members of the Committee; Dr. Ollivier will appear before the Committee if further information is required.

At 2.15 p.m., the Committee adjourned to the call of the Chair.

THURSDAY, February 9, 1967.

(2)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 1.35 p.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*) (6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Fairweather, Laflamme, Patterson, Richard, Tolmie (6).

*Also present:* Messrs. Beer, Émard, McCleave, McWilliam, Rock, Winkler, Members of Parliament.

*In attendance:* Dr. Maurice Ollivier, Parliamentary Counsel.

At the opening of the meeting, it was agreed to proceed to an *in camera* session, for the purpose of discussing the appointment of a counsel for the Committee.

At 1.50 p.m., the Committee resumed its regular meeting.

A "Memorandum on Procedure" concerning the matter before the Committee, dated January 31, 1967, was submitted by the Parliamentary Counsel, Dr. Maurice Ollivier, who answered questions.

After discussion, on motion of the Honourable Senator Langlois, seconded by Mr. Richard,

*Agreed*,—That the report of the Honourable Ivan C. Rand (including, in appendix, the Law Society of Upper Canada Report) concerning Mr. Justice Landreville be made part of the records of the Committee and that the transcript of evidence pertaining to the inquiry be obtained and filed with the Clerk of the Committee for reference by members of the committee.

The Committee agreed that the Joint Chairmen and Mr. Yves Fortier, Counsel for the Committee, meet with Mr. Justice Landreville and his Counsel, in order to discuss the Committee's procedure.

On motion of Mr. Bell (*Carleton*), seconded by the Honourable Senator Langlois,

*Resolved*,—That the Oath or Affirmation be administered to all persons testifying before the Committee.

At 2.20 p.m., the Committee adjourned until Monday, February 20, 1967.

Fernand Despatie,  
*Clerk of the Committee.*





## EVIDENCE

(Recorded by Electronic Apparatus)

Thursday February 9, 1967.

IN CAMERA

●(1.35 p.m.)

**The Joint Chairman Mr. Laflamme:** Order please. I see a quorum. You will have to excuse Senator Lang and me for being five minutes late.

The first purpose of our meeting is to decide whether we will appoint a counsel for our Committee, and I think it will be wise if we do it in camera.

**An hon. Member:** Could you speak louder, please?

**The Joint Chairman Mr. Laflamme:** I said that we should start discussing the advisability of appointing a counsel, and that we should discuss it in camera.

**Mr. McCleave:** Mr. Chairman, may I raise a point? I think later this afternoon I will be appointed to this Committee in the place of Mr. Fulton. Does the Committee grant me leave to stay here for the in camera meeting? I know my position will be regularized by 2.30 p.m.

**The Joint Chairman Mr. Laflamme:** You are surely authorized within our rules to take part in the discussions even if you are not a formal member of our Committee. It should not take very long; about 5 minutes. The Clerk of the Committee will stay here as he is sworn in.

●(1.40 p.m.)

**The Joint Chairman Senator Lang:** I think it would be advisable if we mentioned to you the fact that we were late due to discussions we were having with one of our prospective counsels, and it was for that reason we were not here at 1.30 on the dot.

**The Joint Chairman Mr. Laflamme:** Order please.

●(1.51 p.m.)

**Mr. Fairweather:** I am interested in Mr. Justice Rand's finding. How did that document get before this Committee? Is it a document of the Committee, or should we take some—

**Dr. P. M. Ollivier (Parliamentary Counsel):** I think it is a document of the Committee because the order of reference, if I remember well, is based on that. I think you should have a certain number of documents; the inquiry by Mr. Justice Rand and also, I imagine, the report of the Bar Association of Ontario. And I think not only should those documents be part of your Committee, but they should be communicated to Judge Landreville. I think he is entitled to every document that you have in the Committee.

**Senator Langlois:** Should we not have a motion to make the Rand report part of the Minutes of this Committee?

**The Joint Chairman Mr. Laflamme:** I really think that every member has the Rand report at hand. The transcript of the evidence could be made available if you think fit, to all members. We can have photostats of the transcript made and distributed to every member of the Committee. Those papers should, perhaps, be considered as background papers for the consideration of the members.

**Mr. Ollivier:** The order of reference mentions the report of the Hon. Ivan Rand concerning the said Mr. Justice Landreville; therefore, I think that report should be part of your archives. I do not know if it is necessary but, technically, they are supposed to be communicated also to Mr. Landreville.

**Senator Langlois:** That is why I suggested a motion that it be part of the minutes.

**Mr. Richard:** I suppose it is the regular procedure that the Rand Report and the report of the Bar Association—

**Senator Langlois:** And the evidence taken before the Honourable Ivan Rand?

**Mr. Richard:** And the evidence.

**The Joint Chairman Mr. Laflamme:** It could be printed as part our proceedings.

**An hon. Member:** As an appendix.

**The Joint Chairman Mr. Laflamme:** We could have a motion that the document "Memorandum on Procedure" dated January 31, 1967, prepared by Dr. Maurice Ollivier, Parliamentary Counsel, be printed as an appendix to this day's Minutes of Proceedings and Evidence, plus the—

**Senator Langlois:** Is this evidence going to be part of it?

**The Joint Chairman Mr. Laflamme:** Oh, yes.

**Senator Langlois:** Could it not be made available or—

**Mr. Ollivier:** Could it not be taken as read, as if it were my evidence before this Committee, instead of putting it as an annex or an appendix? I could read the first and last words, and you could dispense with what comes in between and print it as if I had appeared before your Committee as a witness. I think that would be more regular.

**Some hon. Members:** Agreed.

**Mr. Ollivier:** The question has been asked what are the powers of a committee in general and, more particularly what are the powers of this committee and the precedents which might guide it in arriving at a proper conclusion?

To a great extent those powers are those that are granted to the committee by its order of reference, then it has certain powers that belong to all committees and in the present circumstances we should pay some attention to cases and procedures and, more particularly in the United Kingdom where problems have arisen similar to the problems actually encountered.

Therefore, let us first consider the order of reference to this committee.

On November 21, 1966, a motion for the appointment of the present joint committee was passed and it reads as follows:

"That a joint committee of both Houses of Parliament be appointed to enquire

into and report on the expediency of presenting an address to His Excellency for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions contained in the report of the Hon. Ivan C. Rand concerning the said Mr. Justice Leo Landreville, dated the 11th day of August 1966 and tabled in the House of Commons on the 29th day of August, 1966;

That 13 Members of the House of Commons, to be designated later, be members of the Joint Committee on the part of this House;

That the Committee have power to appoint, from among its members such sub-committees as may be deemed advisable or necessary; to call for persons, papers and records and to engage counsel, to sit while the House is sitting and to report from time to time;

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for its use and for the use of Parliament; and that Standing Order 66 of the House of Commons be suspended in relation thereto;

And that a message be sent to the Senate requesting that House to unite with this House for the above purpose and to select, if the Senate deems advisable, some of its Members to act on the proposed Joint Committee."

May we deal first with this order of reference. Citation 294(1) of Beauchesne is to the effect that—

"A Select Committee, having only a delegated authority, cannot, without the leave of the House, divide itself into sub-committees and apportion its functions among such sub-committees, or delegate to a sub-committee any of the authority delegated to it by the House."

As we have seen by reading the order of reference, this is the first power that is granted to the Committee to appoint such sub-committees as may be deemed advisable or necessary.

At citation 297(1) Beauchesne states that a committee does not have the power to send for any papers unless duly authorized to do so and the order of reference authorizes your



Committee to call for persons, papers and records and to engage counsel, so this is covered. Citation 300(1) states that committees are not permitted to sit and transact business during the sittings of the House without obtaining special leave—this is also covered by the order of reference stating that your Committee shall have power to sit whilst the House is sitting.

According to citation 286—

‘It is important that the motion for the appointment of the Committee should state whether the Committee shall report from time to time, for if it should report without having been given such powers, it will be defunct but may be revived. Special authorization should also be given to sending for persons, papers and records.’

Both these eventualities have been covered by the order of reference which states in express words that the Committee shall have power “to report from time to time” and “to call for persons, papers and records and to engage counsel”, as we have already mentioned.

The following paragraph in the order of reference—

“That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for its use and for the use of Parliament; and that standing order 66 of the House of Commons be suspended in relation thereto.”

The effect of standing order 66 is that on motion for printing of any papers being offered, the same shall first be submitted to the Joint Committee on printing, for report before the question is put thereon. This is the standing order that is suspended by virtue of the order of reference.

We now come to the general powers of the committees. Those are found in certain detail at pages 236 to 254 of Beauchesne, 4th edition. I will try to summarize the main points or highlights of certain citations.

Let us note first that committees are regarded as portions of the House and are governed for the most part in their proceedings by the same rules which prevail in the House and every question is determined in the Committee in the same manner as in the House.

Another rule is that until the quorum is present, the Committee cannot proceed to business.

It might be of some importance to note here that disobedience to the orders of the Committee is contempt of Parliament—for instance, disobedience to orders for the attendance of persons made by the Committee duly authorized in that behalf, after the Committee has been authorized, disobedience to orders for the production before the Committee of papers or other documents.

Since 1956 it has been decided in the House that the Chairman’s ruling should be settled in the Committee.

Then a Committee has no authority to punish one of its members or other person for any offences committed against it but can only report such offences to the House for its animadversion.

I come now to citation 298(1) which is as follows:

“A committee having the right to exclude strangers at any time which may be inferred that it has the right to sit in private, and its proceedings are protected by privilege. The publication of its proceedings in that case would be an offence which the House could deal with after having received a report thereon from the Committee.”

It is a well established practice that the Senate and the House of Commons may at any time order witnesses to be examined on oath before any committee and may administer an oath to any witness examined before such committee (Vide. s.25 of S. and H. of C. Act).

As to the attendance of witnesses, this is covered by citations 310 and 314 of Beauchesne which read as follows:

“310. If a witness whose attendance is desired by the House or by a committee should be in the custody of the keeper of any prison or sheriff, the Speaker is ordered to issue his warrant, which is personally served upon the keeper or sheriff by a messenger of the House, and by which he is directed to bring the witness in his custody to be examined.

If a witness should be in custody, by order of the other House, his attendance is secured by a message, desiring that he may attend in the custody of the Black



Rod or the Sergeant-at-Arms, as the case may be, to be examined.

"314. Statements made to Parliament in the course of its proceedings are not actionable by law. While the House punishes misconduct with severity, it is careful to protect witnesses from the consequences of their evidence given by order of the House; and on extraordinary occasions, where further protection has been deemed necessary to elicit full disclosures, Acts have been passed to indemnify witnesses from all the penal consequences of their testimony.

(2) A witness has been allowed the assistance of counsel when his evidence may tend to criminate himself."

I might add here a few comments. May in his 17th edition at page 643 says that a committee can only consider those matters which had been committed to it by the House and is bound by and not at liberty to depart from the order of reference.

Dawson in his book "Procedure in the Canadian House of Commons" states at page 206 that every committee of the House that is given the power to summon witnesses also has the concurrent power to force a reply and he says at page 204:

"A stranger who refuses to appear in response to the summons of a committee or who refuses to answer questions in a committee, is guilty of contempt."

Precedents are cited at page 205 of the same author.

Beauchesne refers to the protection of witnesses—this is summarized by Dawson at page 45 where he says:

"The House claims the right to protect its witnesses against prosecution for evidence given in the House or before one of its committees. This principle, of course, stems from the same general principle that enables the House to conduct its business in secret—the principle that no proceedings of the House shall be reported outside except by leave of the House."

To come back to the order of reference, it may be stated that the interpretation of the order of reference of the Select Committee is a matter for the Committee.

As stated in May, 17th edition at page 655—

"In the Commons it is not usual to allow a party to be heard both in person and by counsel although orders have been made to that effect."

Present day practice in both civil and criminal courts and before administrative tribunals dictates that counsel be allowed to appear if requested and assist at all times otherwise it is tantamount to a denial of natural justice.

However, it is the function of the Committee or the chairman to delegate the actual procedure after the committee commences proceedings and whether or not a witness will be sworn, whether a witness will be examined by his own counsel first, and then cross-examined by the Chairman and/or the members of the Committee, whether papers are to be produced, etc.

A Select Committee is not bound by the technical rules of evidence unless particularly instructed. In the case of tribunals generally, the first consideration is the empowering statute. Normally a statute confers a wide discretion upon the tribunal to determine its own procedure and following this, if it is silent, it appears that they are not subject to the rules of evidence and may receive hearsay evidence and this extends even to newspapers and telegrams.

#### Special Notes for the present Committee

According to the decision in re Judges Act 52 O.L.R., 105 (1923), 2 D.L.R. 604 (C.A.), there is no authority conferred upon the Parliament of Canada to legislate as to the appointment of judges or their removal. Both of these matters rest with the Governor General but his power of removal can be exercised only on address of the House of Commons and the Senate. The legal or constitutional position of Superior Court judges in Canada is found in the British North America Act, 1867.

Section 96 of the B.N.A. Act reads as follows:

"96. The Governor General shall appoint the judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick."

And section 99 of this Act reads as follows:

"99. (1) Subject to subsection (2) of this section, the judges of the Superior Courts shall hold office during good

behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

(2) A judge of a Superior Court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy-five years, or upon the coming into force of this section if at that time he has already attained that age."

Subsection (2) of section 99 was added to that section by an amendment assented to on the 20th of December, 1960. The amendment is chapter 2 of 9 Elizabeth II. (U.K.)

We will not, of course, refer in this memorandum to the retirement of judges upon the attaining the age of seventy-five years.

We should perhaps at the outset consider whatever precedents have taken place in Canada respecting the impeachment of judges. There are few precedents in Canada and we will look at them later on in this memorandum. On the other hand as our own precedents were dictated by what had taken place earlier in England, that is, ever since the reign of George III, we will first go back into history before doing so.

Previous to the revolution of 1688 in England, the judges of the Superior Courts held their offices at the will and the pleasure of the Crown. Under this rule there were frequent instances from time to time of improper conduct on the part of the judges and of arbitrary conduct on the displacement of upright judges and, conniving at the proceedings of dishonest judges on the part of the Crown. This gave rise to serious complaints and led to several attempts during the 17th century to limit the discretion of the Crown in regard to appointments to the bench.

The Act of Settlement, 1700, provided that after the accession of the House of Hanover to the Throne of England, "Judges" commissions be made *quamdiu se bene gesserint* (as long as they shall behave themselves well—as opposed to *durante bene placito* or during the pleasure of the grantor), and their salaries ascertained and established, but, upon the address of the Houses of Parliament, it may be lawful to remove them.

There then remained but one step to place the judges in a position of complete independence of the reigning sovereign and that was to exempt them from rule ordinarily applicable to all office-holders whereby their com-

missions should be vacated upon the demise of the Crown. It is doubtful whether this rule applied after the judges began to be appointed "during good behaviour" but it was deemed expedient to place the matter beyond dispute. One of the first Acts of George III upon his association to the Throne was to recommend to Parliament the removal of this limitation. By George III, c.23, it was provided that the commissions of the judges shall remain in force during their good behaviour notwithstanding the demise of the Crown "provided always that it may be lawful for His Majesty, his heirs, etc., to remove any judge or judges upon the address of both Houses of Parliament". By various subsequent statutes the judges' salaries are now payable out of the Consolidated Fund.

According to Todd in his work on Parliamentary Government in England, by the Supreme Court of Judicature Act of 1875, s.5, it is enacted that all judges of the High Court of Justice and of the Court of Appeal, respectively, with the exception of the Lord Chancellor, shall hold their offices for life, subject to a power of removal by Her Majesty, on an address presented to Her Majesty by both Houses of Parliament.

The legal effect of the grant of an office during "good behaviour" found in both Canada and the United Kingdom statutes has been defined as the creation of an estate for life in the office terminable by *inter alia* a breach of the condition, i.e., by misbehaviour. Behaviour means behaviour in the grantee's official capacity and misbehaviour has included the improper exercise of judicial functions, wilful neglect of duty or non-attendance and a conviction for any infamous offence by which, although not connected with his office, would render him unfit to perform his duties.

We have referred to an investigation that would render a judge unfit to perform his duties. English authorities mention cases of misconduct not extending to a legal misdemeanor where the appropriate course was by *scire facias* (to show cause why his patent should not be vacated); good behaviour being the condition precedent of the judges' tenure.

Then there are cases where the misconduct of a judge amounts to what a court might consider a misdemeanor and where action was instituted by information.

In all these cases, as well as the case of actual crime, Parliament would then proceed by impeachment.



Having noted at this point that our own Criminal Code does not distinguish between misdemeanors and other offences, we might add that Parliament may proceed at its own discretion by the joint exercise of the inquisitorial and judicial jurisdiction conferred upon both Houses by statute to consider the expediency of addressing the Crown for the removal of a judge.

Todd further stated that the constitution (in Canada and the United Kingdom this holds true) has appropriately conferred upon the two Houses of Parliament—in the exercise of that superintendence over the proceedings of the courts of justice which is one of their most important functions—a right to appeal to the Crown for the removal of a judge who has, in their opinion, proved himself unfit for the proper exercise of his judicial office. This power is not, in a strict sense, judicial; it may be invoked upon occasions when the misbehaviour complained of would not constitute a legal breach of the conditions on which the office is held. The liability to this kind of removal is, in fact, a qualification of, or exception from, the words creating a tenure during good behaviour, and not an incident or legal consequence thereof.

In entering upon an investigation of this kind, Parliament is limited by no restraints, except such as may be self-imposed. Nevertheless, since statutory powers have been conferred upon Parliament which define and regulate the proceedings against offending judges, the importance to the interests of the Commonwealth, of preserving the independence of the judges, should forbid either House from entertaining an application against a judge unless such grave misconduct were imputed to him as would warrant, or rather compel the concurrence of both Houses in an address to the Crown for his removal from the bench.

There have been a number of cases in England wherein the special position of Parliament was invoked for the removal of a judge. Following from these several incidents there has evolved rules applicable. The statute (in Canada and the United Kingdom) is silent with regard to the method of conducting these investigations, but in applying to this particular class of question, the constitutional maxims that regulate all judicial enquiries affecting the rights and liberties of the subject, has gradually evolved certain definite

rules which are applicable, and it is submitted, applicable in this instance. They are as follows:

1. The joint address under the statute ought properly to originate in the House of Commons as being peculiarly the impeaching body, and preeminently "the grand inquest of the High Court of Parliament".

2. It is also evident that the action of Parliament for the removal of a judge may originate in various ways. It may be invoked upon articles of charge presented to the House of Commons by a member in his place, recapitulating the cases of misconduct of which the judge complained of has been guilty; or, after a preliminary enquiry—by a royal commission (at the instance of government, or at the request of either House of Parliament) or by a select committee of the House—into the judicial conduct of the individual in question; or, upon a petition presented to the House from some person or persons who may have a cause of complaint against a judge. And no petition impugning the conduct of a judge should be permitted to remain upon the table of the House, unless, within a reasonable period, some member undertakes to invite the House to proceed upon the charges contained therein.

3. The responsibility of the ministers of the Crown is the due administration of justice and the preservation of the judges from accusations. Therefore, before consenting to any motion for a Parliamentary enquiry into the conduct of a judge, ministers should themselves have investigated the matter of complaint, and be prepared either to oppose or facilitate the interference of Parliament on the particular occasion.

4. Any charge against a judge should only be entertained upon allegations of misconduct that would be sufficient if proved to justify his removal from the bench. But it is immaterial whether such misconduct had been the result of an improper exercise of his judicial functions, or whether it was solely attributable to him in his private capacity, provided only that it had been of a nature to render him unfit for the honourable discharge of the judicial office.

5. That no address for the removal of a judge ought to be adopted by either

House of Parliament, except after a fair enquiry into the matter of complaint by the whole House, or a committee of the whole House. If the matter has already been investigated by a royal commission, it is not the purpose of the committee to sit in appeal from the conclusions and recommendations of that commission but the hearings should be such that the person complained of be duly informed of the intended proceedings against him at every stage of the enquiry; that copies of all petitions, articles of complaint and orders of the House in relation thereto shall be promptly communicated to him; and that, upon his applying to the special committee or to the House for such permission, leave should be given to him to appeal by himself or counsel in his own defence so that his case be stated fully to the Committee.

6. That in reporting to the House the Committee if it comes to the conclusion that an address be made to the Crown, should in its report recapitulate its reasons for having come to that conclusion.

7. That in requesting the Crown, by an address under the statute, to remove a judge who, in the opinion of the two Houses of Parliament, is unfit to continue to discharge judicial functions, the acts of misconduct which have occasioned the adoption of such an address ought to be recapitulated in order to enable the sovereign to exercise a constitutional discretion in acting upon the advice of Parliament.

I might mention here three Canadian cases which took place between 1868 and 1881 but will not spend much time on them as they are not very illuminating nor at all conclusive.

There was first the case of Mr. Justice Lafontaine (7th May, 1868). In this case there was a petition brought in the House of Commons praying that the House enquire into the conduct and acts of the Honourable Aime Lafontaine, Judge of the Superior Court in and for the District of Ottawa. A select committee was appointed. Their first report was that the Justice should be served with a copy of the petition. There was a further report of the committee but the printing was for distribution only among the members thereof. Apparently there were no further reports and no further proceedings were taken.

The second case is that of Mr. Justice Lorranger in 1876. In that year a petition was

introduced setting forth certain charges of gross neglect of duty, injustice, extortion, partiality, etc., against Mr. Justice Lorranger of the District of Richelieu, Province of Quebec. Subsequently, Mr. Justice Lorranger petitioned the House to be heard. A select committee of the House of Commons was appointed with the usual terms of reference regarding reporting and sending for papers, etc. The committee's report was apparently read in the House according to the Votes and Proceedings of the day (13 April, 1877—Friday) but Hansard does not show it. The evidence was printed indicating that there was a full hearing with evidence adduced on both sides but the evidence is neither preceded nor followed by the report. No further proceedings were taken.

Then the third case is that of Mr. Justice E. B. Wood. In 1881 a petition was presented in the House of Commons complaining of him as such. Subsequently, a debate arose when a member moved the reading of the Journals of the House so far as it related to the petition. It was pointed out in the House that the petition and the answer to the petition should be printed and distributed among the members before this motion came on. In addition, when this motion to read the Journal is brought, it was stated in the House and appeared to be the general view that there should be in addition a notice of motion that the House would be asked to establish a committee to investigate the charges. On the occasion of this same debate the Leader of the Opposition (Mr. Blake) also said the rule was you do not refer matters of enquiry unless you are able to lay down this proposition; if these things are true they will form a proper ground for the removal of a judge and this was concurred in by the then Prime Minister (Sir John A. Macdonald). This debate, however, was adjourned and apparently no further proceedings were taken.

There appears to be only one reported case of a judge of the High Court being actually removed by an address of both Houses to the Crown and I introduce a precis of the proceedings.

On May 20, 1828, the House of Commons in England addressed the Crown with a request that the commissioners of judicial enquiry in Ireland might be directed to inquire into the state of the Admiralty Court thereof presided over by Sir Jonah Barrington. Directions were given.

At the time of this enquiry Barrington resided in France and the commissioners re-



quested that he attend in Ireland to give evidence. They sent him copies of the evidence after they denied him procedure by interrogatories and held up their report for as long as they possibly could but then submitted their report. Later, Barrington forwarded a deposition containing eighty-seven paragraphs.

The Commissioners report based on oral evidence under oath and which included material supporting and corroborating the oral evidence, found that he had on two occasions involving two court cases appropriated moneys improperly to his own use which had been paid into Court.

On April 27, 1829, in the following session a report of the Commissioners on the conduct of Barrington including his deposition vindicating himself was laid before the House and referred to a select committee to report their observations and the accusations preferred.

The Select Committee decided to restrict their inquiry to the parts of the report of the Commissioners dealing with the specific cases of appropriation.

Barrington expressed a wish to be examined (the Select Committee would not otherwise have heard his testimony) and to call witnesses, and notice was sent to him of the hearings and in fact postponed hearings to accommodate him particularly in view of his age and ill-health. The Chairman appeared to do all the questioning of all the witnesses.

Barrington wanted to call witnesses to his general conduct and character but the Committee refused and said this did not properly form any part of this inquiry—otherwise he could call witnesses to vindicate himself.

The questions invariably were leading and Barrington was cross-examined on previous witness statements.

The Committee considered all of the evidence including exhibits in the Commissioners report, Barrington's affidavit and heard witnesses.

In this report, the Select Committee came to the same findings as the Commissioners regarding the two cases of misappropriation of court funds but added that they felt compelled to point out that Barrington's court practice was fraught with irregularities which he insisted were adequate but which were

condemned by surrogates of his particular court as being unprecedented and illegal.

The Select Committee's report did not include recommendations but left it to the House to determine the expediency of addressing the Crown for his removal.

Barrington was notified when the House would render the report of the Select Committee. Resolutions of the House were adopted (1st reading) to address the Crown at a subsequent date.

Barrington petitioned the House to allow counsel to assist him throughout his preparations. (There is no indication that he sought counsel for his appearance before the Select Committee). He subsequently petitioned the House again and asked as a favour because of ill-health and age and not as a matter of right that counsel address the House on his behalf at the bar.

Permission was granted and counsel addressed the House. He did not deal with the events of the case but requested that evidence be taken before the House and not rely solely on the Select Committee's report. The House after debate denied counsel's request which included an attempt to have it adopt as a foundation of their own judicial proceedings in the House nothing but proof of guilt given according to strict rules of evidence and in effect the House said it was free to adopt its own course of procedure, that the House could not be restricted to legal evidence, that a judge need not have gone so far as to commit a criminal offence to be removed, that the statute would be a curse if a judge could be removed only for a breach of criminal law since there are acts which warrant a judge's removal that are not criminal. The House also felt that there was no principle that in these circumstances they need hear evidence at the bar and that no case had been made out for the House to grant further time. There had been a strong case made out against Barrington before the Commissioners and before the Select Committee.

At the close of the debate the series of resolutions were adopted by the House without taking evidence on further enquiry and a committee formed to draft an address to the Crown.

The address recapitulated the acts of which he had been guilty and declared that it would be unfit and of bad example that he should continue to hold office as a judge. It was



reported, agreed to, ordered to be communicated to the Lords for their concurrence.

The Lords asked for and received all documentation.

At this stage Barrington petitioned the House of Lords asserting his innocence once again and protested against what he termed the unconstitutionality of the course adopted by the Commons in passing an address to the Crown for his removal from office under a penal statute (a law imposing penalties or punishments for the doing of prohibited acts) without public inquiry and investigation at the bar of the House.

It was urged also that evidence taken before a committee is only the basis of further inquiry but evidence taken before the whole House is evidence for its decision. He also asked for and was granted leave to be heard by counsel and to produce evidence at their bar in his own defence.

The case against the judge was opened for the Crown by the Attorney and Solicitor Generals at the bar of the House of Lords in the presence of Barrington and his counsel.

The Crown called only one witness (the Select Committee called considerably more) who was then cross-examined by counsel for Barrington with interjected questions from various Lords. Argument was presented at this stage. Barrington's counsel subsequently called witnesses who were in turn cross-examined by the Attorney General. Barrington did not give evidence himself. A further petition by Barrington to recall a witness was refused.

Evidence was then ordered to be printed.

The address sent earlier from the Commons was then agreed to and the House of Commons acquainted therewith.

Certain members of both Houses were deputed by the two Houses to present the address.

The reply of His Majesty was as follows:  
"I cannot but regret the circumstances which have led to this address. I will give directions that Sir Jonah Barrington be removed from the office which he holds of Judge of the High Court of Admiralty in Ireland."

In their work intituled "Parliament Past and Present" published in London, England,

by Hutchinson & Co., Arnold Wright and Philip Smith referred to five cases of impeachment:

1. Warren Hastings	p.160
2. Lord Melville	p.351
3. Lord Bacon	p.425
4. Lord	p.428
5. Lord Macclesfield	p.441

At page 310 of their learned work "An Encyclopedia of Parliament", Norman Wilding and Philip Laundy comment on impeachment in general—they write about trials before the Lords on accusations of the Commons for high crimes and misdemeanours and add:

"According to Maitland, there have not been seventy during the whole course of English history, and a full quarter of all of them belong to the years 1640-1642 . . . The last impeachment was in 1806, when Lord Melville (Dundas) was charged by the Commons, but acquitted of misappropriating official funds. As Jennings remarks in his "Parliament", impeachment in the 17th and early 18th centuries was a means for 'liquidating' opponents, and the procedure may now be regarded as obsolete. The ballot boxes are now available for political opponents and the criminal courts for criminals."

It is noted in the "Encyclopedia" that a full description of impeachment is given by Hatsell in Vol. 4 of his "Precedents". This study by Hatsell covers 270 pages. It contains several chapters:

- Chapter The First pp.50-94 (Up to the end of the Reign of Queen Elizabeth);
- Chapter The Second pp.95-230 (James I to the Revolution);
- Chapter The Third pp. 231- (Revolution in the year 1780).

It seems preferable here not to quote these 270 pages.

I might end this memorandum, which I am afraid is quite lengthy, by referring again to the presentation of the report by the Committee.

The practice is that the Chairman or, in his absence, a member of the Committee, will state the nature of the report and have it tabled. It is the opinion of the Committee which is required by the House and not the opinions of the individual members. A

majority of opinion signed by the Chairman alone is the report—no dissenting opinions or minority report should be made in the name of the Senators and a separate one in the name of the Members—there is only one Committee, a Joint Committee of both Houses.

**Senator Langlois:** I move that the Rand report, including the report of the Bar Association be made an appendix of today's Minutes of Proceedings and that the evidence be filed by the Clerk of the Committee.

**Mr. Richard:** I second the motion.

**Mr. Fairweather:** I would like to be very clear, gentlemen. I agree with the Senator about the Hon. Ivan C. Rand, but I just do not know about the Benchers.

**An hon. Member:** It is part of the report.

**The Joint Chairman (Mr. Laflamme):** It has been moved by Senator Langlois and seconded by Mr. Richard that Justice Rand's report be printed as an appendix to today's Minutes of Proceedings and Evidence, including the report of the Law Society of Upper Canada, and that the transcript of the evidence pertaining to the enquiry, be made available to the members of the Committee, but not printed.

**Mr. Bell (Carleton):** Do we need to re-print the report Mr. Chairman? The report is a public document; it can be read.

**Mr. Ollivier:** Why do you not simply make your motion that all documents made available to the Committee will also be made available to Mr. Justice Landreville? He has the right to be in possession of all documents that you have. But that does not mean you have to re-print the enquiry of Mr. Justice Landreville; you do not have to print that as an annex in your report at all.

**Senator Langlois:** My original motion was that these documents be made part of the records; that is all.

**An hon. Member:** Oh, you do not want them printed?

**Senator Langlois:** Oh, no.

**The Joint Chairman (Mr. Laflamme):** Is Senator Langlois' amended motion agreed to? That Justice Rand's report be part of our records, and the transcript be part of our records and available to the members of the Committee?

Motion as amended agreed to.

**The Joint Chairman (Mr. Laflamme):** We would like to secure advice regarding the discussion that we must surely have with the counsel for Mr. Justice Landreville, Mr. Humphrey. We must get in touch with him and discuss the date of the start of the proceedings. As you already know, he has sent a letter asking us to meet with his client, Mr. Justice Landreville, and discuss the procedures that will be followed before our committee, and I think it appropriate that we do so.

**The Joint Chairman (Senator Lang):** Our thinking was that we might have—subject to its meeting with the convenience of Mr. Humphrey and his client—our first meeting on February 20th; that is a week next Monday. Also, consistent with our expressions at our last meeting, that thereafter we meet as frequently and rapidly as possible and attempt to get through our proceedings with a minimum of delay. It is probably not appropriate for us to fix that date now, because as yet we have not had any conversations with Mr. Humphrey, and we want our counsel to become charged with the matter and to deal with him in connection with this. But if that generally meets the wishes of this Committee that is the date we would aim for, unless there are any contrary expressions. It will give our counsel just about a week to prepare himself and report back to us. I do not think we require a motion on this.

**The Joint Chairman (Mr. Laflamme):** The date of February 20 has been advanced because next week many committees are sitting, and I for one, being the Vice-Chairman of the Finance Committee, will have to sit approximately 10 or 12 times next week. Since it takes some time for our own counsel to get through all the evidence, I think it would be appropriate that we should decide to start our hearings on February 20 and then try to sit continuously until we get through. If this is the consensus of the members, then I will arrange it with Mr. Deachman who is the co-ordinator of the committees.

**Senator Langlois:** Mr. Chairman, may I suggest that you take into consideration the fact that the joint Immigration Committee will be sitting outside of Ottawa next week, in Toronto.

**Senator Hnatyshyn:** And the following week in Montreal.



**Senator Langlois:** And the 22nd, 23rd and 24th in Montreal.

**The Joint Chairman (Senator Lang):** How many are there here on this Committee?

**An hon. Member:** The Joint Chairman has that.

**The Joint Chairman (Senator Lang):** Would you be in Montreal all that week of the 20th?

**An hon. Member:** Wednesday, Thursday, and Friday, three days.

**The Joint Chairman (Mr. Laflamme):** Well that does not prevent us from starting on Monday, and then we can see what we could do after. So it is agreed that we start our hearings on February 20.

**The Joint Chairman (Senator Lang):** Provided of course, that we can make arrangements to have Mr. Humphrey and Mr. Justice Landreville here.

**Mr. Tolmie:** What time will the meeting be on Monday? Ten o'clock, or at night?

**The Joint Chairman (Mr. Laflamme):** What would be the appropriate time to start sitting on Monday?

**Senator Fournier (de Lanaudière):** Well most of the time we do not sit in the Senate on Mondays, and we do not happen to be here. It would be preferable, as much as possible, to combine with the sittings of the Senate.

**The Joint Chairman (Mr. Laflamme):** Well we could at least start our sittings on Monday at 8.00 p.m. I think it would be suitable for most of the members too.

**An hon. Member:** We can start Monday—

**An hon. Member:** It is not a good time.

**Senator Fournier (de Lanaudière):** Tuesday at any time.

**Senator Hnatyshyn:** Monday night we are not sitting.

**An hon. Member:** You could be here.

**Senator Hnatyshyn:** Senator John Connolly said that we might start Monday the 20th.

**The Joint Chairman (Senator Lang):** I am thinking that a lot of our sittings will be held while the Senate is in session. I think we are going to have to accept that.

**The Joint Chairman (Mr. Laflamme):** Is it agreed that the two Joint Chairmen and Mr. Yves Fortier, Counsel for the Committee meet with Mr. Humphrey and Mr. Justice Landreville to explain and discuss with them the procedure we shall follow?

**Some hon. Members:** Agreed.

**The Joint Chairman (Mr. Laflamme):** We would like your advice regarding the advisability of having witnesses, if there are any, take the oath or affirm before giving their evidence.

**Mr. Bell (Carleton):** We must start right from the outset by administering the oath universally, and I so move.

**Senator Langlois:** I second the motion.

**Senator Fournier (de Lanaudière):** Mr. Chairman, I would like to put a question to Dr. Ollivier. What would the procedure of the Committee be if you called upon someone to take the oath, and he turned out to be an atheist; he did not believe in the gospel or the testament?

**Mr. Ollivier:** Well, he gives his solemn affirmation, I suppose, which the Committee will accept. It is by virtue of the Constitution in the Senate and House of Commons Act that you have the right to request the oath. Section 25 says that:

The Senate or the House of Commons may at any time order witnesses to be examined on oath before any committee.

Now, the Committee itself has enough power to establish its own procedure, and in the case of an atheist—I do not know if you expect any—I imagine the Committee has the power to substitute a solemn affirmation for the oath.

**Mr. Bell (Carleton):** I move that the oath or affirmation be administrated to the persons testifying before the Committee.

**Senator Langlois:** I second the motion.

Motion agreed to.

**The Joint Chairman (Mr. Laflamme):** We got through our agenda for today, and will start our hearings on February 20, at 8.00 p.m.

**An hon. Member:** At 8.00 p.m. Monday?

**The Joint Chairman (Mr. Laflamme):** Yes, you will receive notice. The meeting is adjourned.







OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translated by the General Bureau for Translation, Secretary of State.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



First Session—Twenty-Seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING  
**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang  
and  
Mr. Ovide Laflamme, M.P.

---

MINUTES OF PROCEEDINGS AND EVIDENCE

LIBRARY

No. 2

MAR 20 1967

UNIVERSITY OF TORONTO

MONDAY, FEBRUARY 20, 1967  
THURSDAY, FEBRUARY 23, 1967

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

*Representing the House of Commons:*

The Honourable Senators

Cook,	Mr. Bell ( <i>Carleton</i> ),	Mr. McCleave,
Fournier	Mr. Cashin,	<sup>2</sup> Mr. McQuaid,
( <i>de Lanaudière</i> ),	Mr. Fairweather,	Mr. Patterson,
Hnatyshyn,	Mr. Gilbert,	Mr. Stafford,
Langlois,	<sup>1</sup> Mr. Goyer,	Mr. Tolmie.
Macdonald ( <i>Cape Breton</i> ).	Mr. Guay,	

Fernand Despatie,  
*Clerk of the Committee.*

<sup>1</sup> Replaced Mr. Richard on February 22, 1967.

<sup>2</sup> Replaced Mr. Woolliams on February 20, 1967.

ORDERS OF REFERENCE OF THE HOUSE OF COMMONS

MONDAY, February 20, 1967.

*Ordered*,—That the name of Mr. McQuaid be substituted for that of Mr. Woolliams on the Special Joint Committee respecting Mr. Justice Landreville.

WEDNESDAY, February 22, 1967.

*Ordered*,—That the name of Mr. Goyer be substituted for that of Mr. Richard on the Special Joint Committee respecting Mr. Justice Landreville.

Attest.

LÉON-J. RAYMOND.

*The Clerk of the House of Commons.*





## MINUTES OF PROCEEDINGS

MONDAY, February 20, 1967.

(3)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 8.10 p.m. this day. The Joint Chairman, Mr. Laflamme, presided.

### *Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Macdonald (*Cape Breton*)—(4). . . .

*Representing the House of Commons:* Messrs. Cashin, Fairweather, Gilbert, Guay, Laflamme, McCleave, Richard, Stafford, Tolmie—(9).

*Also present:* Mr. Régimbal, M.P.

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville, accompanied by Messrs. David Humphrey, Q.C., Terrence Donnelly and Gilles Guénette.

The Chairman referred to a meeting which the Joint Chairmen, the Parliamentary Counsel and the Counsel to the Committee held with Mr. Humphrey, representative of Mr. Justice Landreville, on February 14, 1967, for the purpose of discussing the Committee's procedure.

The Chairman then read a letter, dated February 15, 1967, from Mr. Fortier to Mr. Humphrey. On motion of Mr. Cashin, seconded by Mr. McCleave,

*Resolved*,—That the letter be pointed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix A*).

Mr. Humphrey was asked whether he wished to suggest names of witnesses to appear before the Committee. He replied that Mr. Justice Landreville could answer that question since he was appearing as his own counsel.

Mr. Justice Landreville indicated that he wanted to raise preliminary objections. He was allowed to do so. He then made a statement, at the conclusion of which he immediately left the meeting, accompanied by Messrs. Humphrey, Donnelly and Guénette.

The matter before the Committee and the procedure were discussed; opinions were expressed regarding the objections raised by Mr. Justice Landreville.

Mr. Fortier pointed out that a copy of Dr. Ollivier's "Memorandum on Procedure", dated January 31, 1967, had been handed to Mr. Humphrey on February 14, 1967. He added that the Memorandum answered the better part of the legal arguments contained in Mr. Humphrey's letter of January 5, 1967 and that the same arguments had been repeated by Mr. Justice Landreville at this day's meeting.

On motion of Mr. Tolmie, seconded by Mr. Stafford,

*Resolved unanimously*,—That a copy of Mr. Justice Landreville's statement be made available to all Members of the Committee and that all further meetings be suspended; and that the Subcommittee on Agenda and Procedure, and the Counsel to the Committee meet in order to peruse the objections and then report to the Committee.

At 9.05 p.m., the Committee adjourned to the call of the Chair.

THURSDAY, February 23, 1967.

(4)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 9.40 a.m. this day. The Joint Chairman, Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Macdonald (*Cape Breton*)—(3).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Laflamme, McCleave, McQuaid, Patterson, Tolmie (9).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville, Mr. David Humphrey, Q.C. and Mr. Terrence Donnelly.

The Chairman opened the meeting and read the Minutes of Proceedings of a meeting of the Subcommittee on Agenda and Procedure, held on February 21, 1967. (*See Evidence*).

The Chairman also read telegrams sent to Mr. Justice Landreville and to Mr. Humphrey, on February 21, 1967. It was agreed that the telegrams be printed as appendices to this day's Minutes of Proceedings and Evidence. (*See Appendices B and C*).

Mr. Humphrey acknowledged receipt of the telegrams. He stated that he was appearing this morning as Counsel to Mr. Justice Landreville. He added that in view of the position taken by Mr. Justice Landreville he did not wish to participate in the proceedings, but was interested in hearing Mr. Fortier's statement.

A report pertaining to the objections raised by Mr. Justice Landreville at the Committee's meeting of February 20, 1967 was given by Mr. Fortier, who answered questions.

Mr. Justice Landreville then entered the room. He was asked if the Chair should continue addressing itself to Mr. Humphrey, who had stated that he was appearing as Counsel to Mr. Justice Landreville.

Mr. Justice Landreville indicated that he was appearing as his own counsel. He added that his objections still stood.



On motion of Mr. Bell (*Carleton*), seconded by the Honourable Senator Fournier (*de Lanaudière*),

*Resolved unanimously*,—That the report of the Counsel to the Committee be adopted; and that the Committee proceed with its deliberations.

After discussion, on motion of Mr. Fairweather, seconded by Mr. Bell (*Carleton*),

*Agreed*,—That the Committee adjourn from 10.35 a.m. until 3.30 p.m. this day, in order to give Mr. Justice Landreville time to consider his course of action in the light of Mr. Fortier's report and the Committee's decision to proceed with its deliberations.

#### AFTERNOON SITTING

(5)

The Committee resumed at 3.45 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Lang, Macdonald (*Cape Breton*) (3).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie (11).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

The Joint Chairman (Mr. Laflamme) mentioned that the Exhibits listed in Appendix E of the report of the Honourable Ivan C. Rand concerning Mr. Justice Landreville had been obtained, for reference by Members of the Committee, with the understanding that they would eventually be returned to the Rand Commission Secretary in order to be placed in the custody of the Parliamentary Library.

Mr. Justice Landreville was asked if he had any comments to make regarding the report made by the Counsel to the Committee. He replied: "I cannot partake in these proceedings and attorn to your jurisdiction and thereby, by such act, waive all my legal rights by giving my evidence or producing witnesses."

The Committee agreed to proceed with its deliberations, with the understanding that Mr. Justice Landreville would have every opportunity to adduce evidence if he should change his mind.

In order to assist the Committee, Mr. Fortier reviewed the conclusions, facts and considerations contained in the report of the Honourable Ivan C. Rand.

At the conclusion of Mr. Fortier's comments, the Committee agreed to take a ten-minute recess.

On re-assembling, at 5.05 p.m., Mr. Fortier answered questions posed by Members of the Committee.

It was agreed that the next meeting of the Committee would be held after the Members have had the opportunity to study the transcript of today's proceedings. It was indicated that Members would be supplied with a copy of the transcript by Monday, February 27, at the latest.

At 5.40 p.m., the Committee adjourned until Tuesday, February 28, 1967.

Fernand Despatie,  
*Clerk of the Committee.*

---

## EVIDENCE

(Recorded by Electronic Apparatus)

Monday, February 20, 1967.

● (8.10 p.m.)

**The Joint Chairman Mr. Laflamme:** Order, please. We now have a quorum. I must inform the members that our Joint Chairman, Senator Lang, has been delayed in Toronto. He missed his flight and will be here about 9 o'clock tonight.

I think we will now begin our deliberations. First, I must remind the members that at our last meeting Senator Lang and I were authorized, along with our counsel and confrere, Mr. Fortier, to get in touch with the counsel for Mr. Justice Landreville, Mr. Humphrey from Toronto, to discuss with him the manner in which we will proceed with our deliberations.

We had that meeting last Tuesday in my office, and present at that time were Dr. Maurice Ollivier, Mr. Yves Fortier, Senator Lang and I along with the counsel for Mr. Justice Landreville, Mr. Humphrey. Subsequent to that meeting, our counsel, Mr. Fortier, sent Mr. David Humphrey a letter dated February 15 which I will now read.

(See Minutes of Proceedings)

● (8.15 p.m.)

I would like a motion to make this letter an appendix to today's minutes.

**Mr. Cashin:** I so move.

**Mr. McCleave:** I second the motion.

Motion agreed to.

**The Joint Chairman Mr. Laflamme:** I will now ask Mr. Humphrey, counsel for Mr. Justice Landreville, if he has any witnesses who wish to appear, and what is the order of those witnesses.

**Mr. David Humphrey:** Mr. Chairman, there is one correction in your letter. I do not appear as counsel for Mr. Justice Landreville. He appears, as I thought I made clear earlier, as his own counsel. We are simply here to assist him and he can answer that question for himself.

**The Joint Chairman Mr. Laflamme:** I will then ask Mr. Justice Landreville if he has any witnesses that he would like us to hear?

**Mr. Justice Léo Landreville:** Mr. Chairman and gentlemen, prior to entering into the question which you are now putting to me, there are preliminary objections and a suggestion that I would like to make. I believe that I can be very concise and I also believe that it will expedite the work of your Committee in that respect, if I may be allowed to speak as counsel on my own behalf.

**The Joint Chairman Mr. Laflamme:** Just a moment, please. As far as I can understand, you do not want to appear as a witness yourself, but you want to be your own counsel?

**Mr. Landreville:** I am my own counsel at the present time and, preliminary to the hearing, I would like to place before you certain considerations and objections briefly as counsel.

**The Joint Chairman Mr. Laflamme:** Objections on what grounds?

**Mr. Landreville:** On points of law and matters of urgency for your consideration on which you may then rule, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** I will leave the matter up to the members. I cannot decide myself; it is up to the members to decide whether we shall proceed that way and listen to Mr. Justice Landreville.

**Mr. Fairweather:** With great respect, Mr. Chairman, we cannot hear you.

**The Joint Chairman Mr. Laflamme:** I am sorry.

**Mr. Fairweather:** I just cannot hear very well.

**The Joint Chairman Mr. Laflamme:** I will repeat what I have told members earlier. It is up to the members to decide if this procedure can be followed, as Mr. Justice Landreville is asking that he not testify, but raise before us objections of law.



**Mr. Stafford:** I think he has a right to raise any objection that he feels like raising at this time. I cannot think of a better time to do it.

**The Joint Chairman Mr. Laflamme:** If there is no objection to this procedure, then you may proceed.

**Mr. Landreville:** I will endeavour to be brief, Mr. Chairman, and I am grateful to you gentlemen. If you cannot hear me, please indicate by raising your finger.

I answer to the name of Leo Landreville of Toronto, a Justice of the Supreme Court of Ontario. I appear here accompanied by Messrs. David Humphrey, Q.C. and Terrence Donnelly of Toronto, and Gilles Guenette of Ottawa. Mr. J. J. Robinette, Q.C. is my adviser and unfortunately cannot be here tonight.

It is understood that I have not been summoned here, but have been advised that I may be allowed to speak.

With your consent and for your assistance, may I raise the following preliminary objections so that my position be clear to you before you continue in the discharge of your duties.

Contrary to what you may expect, I shall make every effort to be concise.

I am particularly gratified at the composition of the Committee. There are 17 lawyers and one member of the clergy. I do trust that good conscience and equity will not be superseded by law in that ratio.

The task of formulating my objections is rendered all the more difficult by the lack of precedents in the history of English jurisprudence.

Your deliberations will define the nature and extent of judicial independence in Canada, and in this regard there are also no precedents.

1. My first objection is that the Rand Report is an illegality and should form no part of these proceedings.

My reasons are:

(1) A Judge of the Superior Court does not come under the Inquiries Act.

(2) On the undertaking of the Minister of Justice contained in his letter of December 28, 1965, and I quote:

"The inquiry will not be founded on an allegation of impropriety and would be designed simply to ascertain the facts."

I consented and gave that jurisdiction. I never, however, consented to a psychiatric analysis.

(3) My third reason is the contravention of Section 13 of the Inquiries Act which reads as follows:

"No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him, and he has been allowed full opportunity to be heard in person or by counsel."

This has not been done.

(4) My fourth reason is that we have been advised by press report that the Committee have twice met without notice to me. Only last week we were advised that rulings had been made and the procedure had already been decided by the Committee as follows:

(a) The Rand Report and the Report of the Law Society of Upper Canada annexed thereto will be admitted and tabled.

(b) No witnesses are to be called by the Committee.

In the absence of the author of the Rand Report and the Report of the Law Society of Upper Canada annexed, we are confronted with unsworn, untested documents expressing opinion of suspicion without the opportunity of testing them by cross-examination.

2. We object to the tabling of the Law Society Report because:

(a) It was made ex parte and without notice to me.

(b) It formed no part of the proceedings on the Rand inquiry, was not even introduced nor discussed.

(c) It was gratuitously appended while the Report of Magistrate Marck herein, endorsed by the Attorney-General was suppressed.

3. My next objection. Parliament itself must act within the constitution. Its only power to remove a Judge of the Superior Court is under the BNA Act—a British Statute.

4. I object because this is the seventh hearing in which I appeared. You are the representatives of Her Majesty the Queen. Now her representatives have already spoken many times. The Ontario Securities Commission Report, Magistrate A. J. Marck after a full hearing, reviewed by the Attorney General of Ontario, reconsidered by the Minister of Justice Favreau, have advised Her

Majesty of my innocence. As a result of their findings and decision, I did in fact return to the bench for over a year.

Basic natural justice commands that some specific reasons be given for my suggested removal.

5. We object to the ruling that this Committee will make available to us only those witnesses whose names and evidence would be previously disclosed to the Chairmen. They would rule on their relevancy. There being no charges, the test of relevancy is unknown to us.

6. We object to the ruling made in our absence that there be only one report by a majority of this Committee thereby confusing separate and distinct constitutional responsibilities. The separate views of those on this Committee representing the Senate and the House of Commons can never be discerned under such ruling.

7. My last objection is this:

My removal from the bench is to be considered.

Is it fair of me to ask why?

Even before this Committee was formed, on September 21, 1966, we wrote the Minister of Justice as follows, and I quote:

"In the event that impeachment proceedings are to be taken, we wish, at your earliest convenience, to receive particulars of the allegations which will form the basis of the proceedings. It is important that we know, well in advance of the hearing, the exact complaint upon which impeachment is sought; for it is only on this basis that Mr. Justice Landreville can intelligently refute the allegations against him."

We repeated this request to your Co-Chairmen and counsel. We have been told there are no charges or allegations, specific charges or allegations.

Furthermore, it has been ruled in our absence that this is not a trial so, therefore, I ask myself why am I here? When will I have a trial?

I came to meet my accusers; where are they?

I came to face accusations; what are they?

Surely these objections, gentlemen, on procedure and law, unique in history, are of sufficient importance to future generations as to deserve the attention of the Supreme Court

of Canada by way of reference. The very validity of these proceedings depends on the answer to these objections.

Such request was made a year ago, but considered premature by the Minister of Justice.

I repeat now such a request.

Gentlemen, I do not partake of these proceedings, not out of contempt, defiance or arrogance. As a citizen, I bow to the highest authority in our land. But I cannot in justice, either to myself or to those of whom I form part, accede to proceedings which are not in conformity to all historical traditions and offend the tenets of natural justice. I have always believed that the scales of justice would not be tilted by suspicions, defamations, bias, or prejudice, wherever published.

To allow this would demean this house and destroy the cherished heritage and rights. Is it your wish to set the principle that the independence of the bench, and the security of tenure of office of your judges, mean so little and are of such weak stature as to be subject to annihilation by the opinion of one person who entertains a suspicion. Gentlemen, allow me to say—

(Translation)

Out of the 32 judges of the Supreme Court in Ontario, these events have befallen the only judge of your language. I feel this very deeply.

That my public image be besmirched by resorting to something that was done before I was judge is something I deplore. That I am responsible for it, I deny. I am a victim. Will we ever stop this slander of our men in public life? Otherwise, will we not be attracting leaders only to destroy them?

(English)

And then, gentlemen, therefore, this not being my trial, there being no specific charges against me, lest that of suspicion, to this there can only be one reply: "Honi soit qui mal y pense".

With this, Mr. Chairman, may I take your leave.

**Mr. Fairweather:** This is more fun than "Sunday".

**The Joint Chairman Mr. Laflamme:** For your information and consideration—and I really think that Senator Lang, who was present at the meeting we had in my office last Tuesday should be here—we had not in any way forbidden anyone to bring witnesses on



any of the facts, considerations and conclusions referred to us in our terms of reference. The only purpose in asking for the names of the witnesses was that we were asked if the Committee would pay their travelling expenses. Before asking the Committee to pay travelling expenses for witnesses who could come from as far away as Vancouver, and other places, I think it was relevant to ask for the names and addresses of witnesses.

The only thing I would ask of members, since we have our terms of reference and since we have precisely specified it to the person concerned, is that we hear any of the witnesses that they would like to bring before us. As I understand it, there will be no witnesses on the part of Mr. Justice Landreville.

**Mr. Fairweather:** Perhaps he will feel better after a night's sleep.

**Mr. Richard:** I suggest that we adjourn at this time so that your subcommittee can discuss strategy. I think that it is clear, Mr. Chairman that this thing was badly conceived, ill-conceived and a badly laid egg. We came here not knowing what we were supposed to do and at this time I think Mr. Landreville was brought here or came here and does not know why he is here. I agree entirely with him that there have been no charges made against him. All he is being asked is to say, why should you not be removed, because Justice Rand feels that you should. I am not taking any side in this, except to say this: At this time, unless there is a strategy as to how we are supposed to proceed, legally. I hope, because this parliament of late at least has been the protector and the defender of the most minor and minute rights of man, whatever we do we will not make a *risée* of our legal standing in Canada.

**Senator Fournier (de Lanaudière):** Mr. Chairman, if you will permit me—Fournier is my name—when Mr. Landreville was acquitted by the court, if someone was not satisfied in the country, the only thing they had to do was go to appeal. If they had not been satisfied with the appeal decision, let them go to the Supreme Court.

**An hon. Member:** The last tribunal.

**Senator Fournier:** I do not see why, after the first instance, we are called upon to decide instead of the Appeal Court or the Supreme Court.

**Senator Hnatyshyn:** Mr. Chairman, I agree with this point which Justice Landreville has raised. I do not think that Commissioner Rand's report should be in evidence before this Committee at all, because only certain parts of the evidence are included. We have all read the report, and only certain parts of the evidence are included on which he makes his conclusions. Personally, in reading the report, the strong language that he uses about Mr. Justice Landreville, I thought, was not warranted even by the evidence that he adduces. If we are to make any decision, it would have to be on much more than on Commissioner Rand's Report. That is why I agree, if we are to make a recommendation of any kind, we would have to satisfy ourselves on the evidence submitted before us, or else there is no point in this Committee being called. We will be expected to make a recommendation. Now this is not an appeal from Commissioner Rand's report; if it was an appeal we would have all the evidence before us. I am not suggesting that it should be by form of an appeal, but I agree that we are in this difficult position; unless we look into it fully and make an intelligent recommendation, there is no point in only summoning or giving notice to Mr. Justice Landreville and asking him if he has anything to say. I, for one, do not think I am prepared to go this far that I would want to consider whether Commissioner Rand's report is correct or not.

**Mr. McCleave:** Mr. Chairman, could I speak on that. The order of reference is clearly that in view of the facts, considerations and conclusions contained in the report of the Hon. Ivan C. Rand, so I think whether we like it or not, we have to at least take that report as our springboard from which to carry on the proceedings of the joint committee. That is the power that is given to us by both Houses of Parliament, and we have no greater powers than those which are set forth in the special order.

**Mr. Tolmie:** Mr. Chairman, this is the first time I have heard various members of the Committee disagree with the procedure which we all agreed upon. Now, if we are going to object to our procedure, I think this should have been done before. We have heard the Justice make seven preliminary objections; whether they are valid or not is something to be determined. But I do not think by virtue of the fact that the Justice comes in here and makes seven objections, this Committee should fold up and steal into the night. As far



as I am concerned, we have our terms of reference; they are very clear and it will be the duty of this Committee to decide the procedure. We are paramount, as far as I am concerned, and I think what we should do is have a subcommittee meeting and in view of these objections, determine our procedure and our conduct in the future. Certainly, I do not think that with the appearance of Mr. Landreville and his sudden departure, we should be intimidated and put in the position where we, as members of parliament, are going to relinquish our duties and our prerogatives.

**The Joint Chairman Mr. Laflamme:** If I may add a word to what Mr. Tolmie has already said, I would like to refer members to Beauchesne's Fourth Edition, Article 304 of the Parliamentary Rules and Forms where it states:

(1) A committee can only consider those matters which have been committed to it by the House.

(2) A committee is bound by, and is not at liberty to depart from, the order of reference...

Your steering committee, gentlemen, is quite ready to hear any of the witnesses that anyone wishes to ask to appear before us and to add to and to contradict the evidence which has been referred to us by the terms of reference of the House of Commons.

**Mr. Tolmie:** Mr. Chairman, Justice Landreville is assailing the actual constitution of the Committee and its legality; therefore, I think before we proceed further, with any justification, that the Committee—that is the steering committee—should peruse these objections and then make recommendations. In essence, it is surprise evidence and I think in order to do the job properly, that these objections, which may or may not be valid, should be investigated by our counsel and then, at a further meeting of this Committee, we can decide our next procedure.

**Senator Cook:** I agree, Mr. Chairman, that we should have a copy of the objections, because I think if we consider the objections and rule against them, then Mr. Justice Landreville should be so advised and then we could proceed. If he wants to come back after the ruling is given, well and good.

**Mr. Fairweather:** Mr. Chairman, a good many of Mr. Justice Landreville's objections have already been met by our parliamentary counsel. I agree with Mr. Tolmie; I do not

think we should be stampeded by the theatrics of Mr. Justice Landreville. We have the order of reference and I would hope that most of us have read this report, and I think we should proceed.

**Senator Cook:** We have to deal with his objections, though, and see whether we agree or not.

**Mr. Stafford:** I do not see how you can proceed, Mr. Chairman, unless the objections are at least typed out and studied. I do not think there are any theatrics here or any intimidation, or anything else. I think Mr. Justice Landreville came in and put his objections to us and I think we should study them. I do not think we should have any theatrics on our part. I do not agree with what Mr. Fairweather said; I think we should study them and determine whether they are right or wrong. I think they will have to be typed out first.

**The Joint Chairman Mr. Laflamme:** I am waiting for a motion.

**Mr. Tolmie:** I would move that the steering committee take under advisement the objections outlined by Mr. Justice Landreville and make the objections available to members of the Committee.

• (8.45 p.m.)

**Mr. Stafford:** I second the motion.

**The Joint Chairman Mr. Laflamme:** I now have a motion. Is this motion put by Mr. Tolmie and seconded by Mr. Stafford that we ask our counsel to consider the legal aspects of the objections raised by Justice Landreville, and report to the Committee as soon as we have that opinion?

**Mr. McCleave:** Is that the motion? I thought it was that the subcommittee come in with recommendations.

**Senator Cook:** Mr. Chairman, I should like to suggest first that members of the Committee be given a copy of Mr. Justice Landreville's objections.

**Senator Fournier (de Lanaudière):** And after that, be given a copy of the opinion of the legal adviser of the Committee. We will then be in a position to discuss it.

**Senator Cook:** Right.

**Mr. Stafford:** Mr. Chairman, I think it is up to the Committee to study these objections and not just any steering committee.

**An hon. Member:** I agree entirely.

**Mr. Stafford:** If these objections are valid, of course, the whole Committee will have to study them. I understood Mr. Tolmie's motion to be just that: that the Committee, after these objections were typed out, would convene again and study these objections. In a matter as important as this, I do not think there should be any talk about calling witnesses or any implications of intimidation or theatrics. I think we should study the objections and then come to a conclusion whether we feel they are right or wrong, and I do not feel that any steering committee can do that.

**Senator Hnatyshyn:** I think a decision should be made by the Committee as whole.

**Mr. Stafford:** That is right; that is what I was trying to say, senator.

**Senator Fournier (de Lanaudière):** That is my opinion, too.

**Mr. Stafford:** Mr. Chairman, I do say one more thing. We should be given a certain amount of time to study them first, not just to come in and obtain them hot off the press. We should have them beforehand, to give them some consideration, so when we come to Committee, we can come in with something in our minds, not just a waste of time in talking this over and over again.

**The Joint Chairman Mr. Laflamme:** I think the Clerk will have copies of this statement of Mr. Justice Landreville available to all members of the Committee tomorrow morning. Do I take it as understood by all of us that we have decided to discuss these objections when we sit as a Committee?

**Some hon. Members:** Agreed.

**Senator Hnatyshyn:** I think we should be given it at 9.30 tomorrow morning. It cannot be printed sooner than tomorrow morning. What would be the purpose of us meeting at 9.30 before we have had time to consider the objections?

**The Joint Chairman Mr. Laflamme:** To discuss the objections. I am in the hands of the members; if they do not wish to—

**Senator Hnatyshyn:** Let us resume as soon as they are printed. We will not be able to have them tonight.

**Mr. Cashin:** Mr. Chairman, there was also a suggestion made that perhaps at the same time—if not at the same time, at some point in time—we also get the comments of our counsel on the objections raised by Mr. Justice Landreville. I presume that that is understood as well, in Mr. Tolmie's remarks.

**The Joint Chairman Mr. Laflamme:** I will then ask our counsel, Mr. Fortier, to say a few words.

**Mr. L. Yves Fortier (Counsel for the Committee):** Gentlemen, I have been dying to speak. I think I should first point out that all of these objections were previously worded in the letter to which I referred in my own letter to Mr. Humphrey last week. Mr. Humphrey wrote the Minister of Justice early in January and listed these very same seven legal objections which Mr. Justice Landreville has now repeated. They have been studied by Mr. Ollivier and myself, and they have been examined by your Co-Chairmen and Mr. Humphrey, at this meeting which was held last week in Mr. Laflamme's office, was told what our interpretation of those objections was. Consequently, it is not correct for Mr. Justice Landreville to say that this is the first time he has had a chance to voice his objections. It is not correct either to say that it is the first time this Committee has been seized of them.

It is for you to make the decision and I appreciate this, and I think the right decision is the one which has been moved by yourself, sir, that you all have the advantage of seeing in print the legal objections which have been formulated by Mr. Justice Landreville. I assure you that Dr. Ollivier and myself would be pleased to discuss them one by one at your leisure, whenever you see fit. This is not the first time they have been formulated.

**Senator Fournier (de Lanaudière):** But they have not been formulated by Mr. Justice Landreville directly.

**Mr. Fortier:** They were formulated, Senator, by Mr. Humphrey, representing himself as counsel to Mr. Justice Landreville. You as a lawyer, and I as a lawyer, do not see any distinction.

**Senator Fournier:** If you will permit me, as a lawyer, suppose we are a court of justice—we are not, but suppose we are—a defendant is always entitled to put up his defence himself. Perhaps there is a shade of difference in the fact that the objection



might have been presented by someone else before and today by Mr. Justice Landreville himself, but after all, he is the master of his destiny for the time being. In my opinion, I think we should comply with his request, although it might mean a loss of time.

**Mr. Fortier:** I think what it really does is give a chance to all members of the Committee to express their own opinions, which may add to or subtract from those of Dr. Ollivier and myself.

**Mr. Stafford:** Might I ask if the same seven objections were set out in the letter as Mr. Justice Landreville gave us orally tonight?

**Mr. Fortier:** Yes, they were sir.

**Mr. Stafford:** In the same order?

**Mr. Fortier:** Pretty well.

**Mr. Stafford:** And with nothing added to any objection tonight?

**Mr. Fortier:** I listened to him very closely, as you dit, and I only noted one addition and that is: "that the Committee has met twice without me, and only last week was I advised the rules and procedures had been fixed and that no witnesses would be subpoenaed by the Committee." This is the only new one.

**Mr. Stafford:** Did the Committee have an opportunity—I was not here at the last meeting—to study these objections themselves, or were they just read out?

**Mr. Fortier:** I was not here at the last meeting either, so I could not answer that.

**Mr. Tolmie:** Mr. Chairman, to get back to my original motion.

**Senator Hnatyshyn:** The Committee as a whole did not study it; it was just the steering committee, was it not?

**The Joint Chairman Mr. Laflamme:** If I could remind hon. members, we are not a steering committee acting against the other members. At the first meeting we tabled the letter of Mr. David Humphrey dated January 5, 1967, and in that letter he says:

Among other matters, the following should be discussed:

- (1) How to expedite the taking of evidence, the hearing and verdict as this matter now extends over the last twelve years. Some witnesses are advanced in age and may not be available much later.

This is one of the reasons why we asked Mr. Justice Landreville if he had any witnesses, because his counsel has already told us. The letter goes on:

- (2) Discussion as to the procedure before the joint-committee. While we have no objection to the hearing of evidence and argument being presented once before a joint-committee, we submit that each committee should deliberate separately and present separate reports to its respective body, without joint consultation.
- (3) The possible admissibility of the transcripts in all prior proceedings as evidence and particularly the admissibility of the Report of the Commissioner as evidence (which we strongly suggest is inadmissible).
- (4) In any event, the issues to be decided may basically be a question of the credibility of the witnesses, whose evidence must be weighted by the committee members themselves, and cannot be delegated.
- (5) What witnesses must necessarily be called unless counsel can agree to a statement of uncontradicted and uncontradictable facts which may be used to either shorten or dispense with witnesses.
- (6) Discussion of the following points of law:
  - (a) The Inquiries Act, R.S.C. 1952, Chapter 154 and its jurisdiction on a Judge of a Superior Court.
  - (b) The admissibility and the publication of the Rand Report, the Report of the Law Society of Upper Canada, etc., in contravention of Section 13 of the Inquiries Act.
  - (c) The interpretation and application of Section 99 of the B.N.A. Act particularly the words, "during good conduct."
  - (d) The interpretation of the terms of reference to Hon. I.C. Rand. The Commissioner has made a Report contrary to law and the *very specific terms agreed to between the Minister of Justice and Mr. Justice Landreville*.
  - (e) Any other points of law and procedure which may be deemed advisable to



determine by a Court of proper jurisdiction prior to this Inquiry, so same may not be abortive.

- (7) Lastly and most important, to be appraised of the particulars of the charges of accusation which Mr. Justice Landreville must meet.

We feel that a meeting as herein is suggested...

This is why we have asked our counsel to get in touch with Mr. Humphrey and have that meeting.

will be of great assistance to all concerned in clarifying the issues and the procedure to be followed.

When we received this letter, we asked our law officer of the House of Commons, Dr. Maurice Ollivier, to prepare a memorandum also the jurisdiction, and so on. You have already received this memorandum which deals with every one of those particular questions of law which have been raised.

**Senator Hnatyshyn:** I realize the letter was tabled, but it was not considered by this Committee; it was left to the steering committee to see if a procedure could be worked out.

Evidently that was not successful.

Now, the only other thing that is bothering me is this: Was this Committee set up at the request of Mr. Justice Landreville? The government has the report from Commissioner Rand, but what are we to do, are we to say that we agree with the report, or do not agree with the report?

**Mr. Fortier:** You can only take the terms of reference as you find them.

**Senator Hnatyshyn:** Without hearing anything else except reading the report?

**Mr. Fairweather:** Ask Mr. Justice Landreville if he wants to meet the report, if he does not want to meet the report then we make a recommendation just as we are told to do.

**The Joint Chairman Mr. Laflamme:** May I ask Dr. Ollivier to say a word about this?

**Dr. P. M. Ollivier (Parliamentary Counsel):** I think the government itself did not need to constitute a Committee. It could, according to the report of Mr. Justice Rand, have gone ahead. Instead of that your Committee was created to consider the report and to give

secondary satisfaction to Mr. Justice Landreville, but that does not mean that you are going to have all the procedures that you would have in a court; that this is an appeal from the decision of Mr. Justice Rand. It is not that at all, nor is it a new trial. All you have to go by is your order of reference. It is clear in my mind; it says:

"That a joint committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency...in view of the facts, considerations and conclusion contained in the report...."

That is all you have; all you have in the report.

**Senator Hnatyshyn:** And not having all the evidence, we are to pass judgment on a report that is only a judgment based on evidence that has been taken all over the country in various places.

**Dr. Ollivier:** You do not even—

**Senator Hnatyshyn:** What would be the purpose of evidence if we do not need it.

**Senator Fournier (de Lanaudière):** If you will permit me, it is not even a judgment; it is the opinion of one man. There is a big difference..

**Mr. Fairweather:** Is there a motion.

**Dr. Ollivier:** The B.N.A. Act says how you will replace a judge; simply by a resolution that is passed in the Senate and in the House of Commons. You do not need to prove that the judge has committed a crime or anything; you only have to say in your decision whether the judge is fit to be on the bench or not, whether he is a good judge or not. You could, for instance, have a judge who sits on the bench who sometimes is late each time there is a case before the court. He is not there, because he has taken a drink the night before. He has not committed any crime, but he makes it a habit of being late every day that he should be in court. Then that is sufficient for a resolution being passed by the Senate and the House saying perhaps maybe someone else would make a better judge than he does. You do not accuse him of any crime or anything, and you do not need a trial.

• (9.00 a.m.)

**Senator Hnatyshyn:** Under those conditions, there would be quite a few judges removed.

**Dr. Ollivier:** Well, you would be surprised at the number of judges who resign instead of being impeached.

**Mr. Fortier:** Mr. Chairman, I think it should also be pointed out that this very exhaustive memorandum which was prepared by Dr. Ollivier was communicated to Mr. Humphrey during that meeting last week and which I think you will agree, if you have read it, answers the better part of Mr. Humphrey's legal arguments which have now been repeated by Mr. Justice Landreville. He was handed a copy of this memorandum last week.

**Mr. Tolmie:** Perhaps the motion which has been lost in the shuffle was rather ambiguous. I would like to reiterate what I stated before. I would move that a copy of the formal objections be made available to all members of our Committee and that all further meetings of our Committee be suspended and that counsel for our Committee and the steering committee peruse these formalized objections and, after due perusal, the Chairman call a meeting of this Committee, at which time the counsel for our Committee would be present and the Committee deal with these preliminary objections.

**Mr. Stafford:** I second the motion.

**The Joint Chairman Mr. Laflamme:** Those in favour of the motion? All those opposed?

I declare the motion carried.

Motion agreed to.

I think we will now adjourn.

---

**Thursday, February 23, 1967.**

● (9.40 a.m.)

**The Joint Chairman Mr. Laflamme:** Order, please. I think we have enough members to start our deliberations. I call this meeting to order. I would tell you first that since our interesting meeting of last Monday night, at your request—as we had a motion approved by the members calling for a meeting of your steering committee to undertake a full study of the legal objections raised by His Lordship Justice Landreville we held a steering committee meeting last Tuesday, and I want to refer to the minutes of our Clerk which state:

**Tuesday, February 21, 1967**

The subcommittee on Agenda and Procedure of the Special Joint Committee

25647—2

of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 9.40 a.m. this day.

*Members present:* The Honourable Senator Lang, Mr. Laflamme, Mr. Bell. (Carleton)—(3).

*In attendance:* Dr. Maurice Ollivier, Parliamentary Counsel, Mr. Yves Fortier, Counsel to the Committee, Mr. Joseph Maingot, Law Branch of the House of Commons.

Mr. Laflamme referred to the Committee's meeting of February 20, 1967. He noted that most of the objections raised in the statement given by Mr. Justice Landreville were already refuted in Dr. Ollivier's "Memorandum on Procedure", dated January 31, 1967, copy of which was handed to Mr. David G. Humphrey, Q.C., representative of Mr. Justice Landreville, at a meeting held on February 14, 1967, as authorized by the Committee's resolution of February 9, 1967.

Mr. Justice Landreville's objections were then examined at length. A report will be prepared by the Counsel to the Committee, in consultation with the Parliamentary Counsel. The report will be sent to all Members of the Committee.

I know this has been distributed to everyone.

with a request that it be considered as strictly confidential until the next meeting of the Committee, at which time it will be presented for discussion.

A telegram will be sent—

—and has in fact been sent—

to Mr. Justice Landreville advising him that the next meeting of the Committee will take place, on Thursday, February 23, at 9.30 a.m.

At the moment I would ask your permission to deposit a telegram which has been sent to:

Hon. Léo A. Landreville  
10 Bonvenuto Place, Toronto

Please be advised that the Select Joint Committee will reconvene at 9.30 a.m. on Thursday February 23rd at which I will be submitting my argument to your statement made before the Committee on February 20 last.

L. Yves Fortier  
Counsel to the Committee



And then another telegram has been sent to:

Mr. David G. Humphrey Q.C.

3 Sultan Street

Toronto 5, Ontario.

Following telegram has been sent to Justice Landreville "Please be advised that the Select Joint Committee will reconvene at 9.30 a.m. on Thursday, February 23rd at which time I will be submitting my argument to your statement made before the Committee on February 20 last".

L. Yves Fortier

Counsel to the Committee

Is it agreed that these two telegrams be printed as appendices to our *Minutes of Proceedings and Evidence* of today?

**Some hon. Members:** Agreed.

**Senator Fournier:** May I ask, sir, did you receive any answer?

**The Joint Chairman Mr. Laflamme:** We did not receive any answer except that we actually know Mr. Humphrey is here and has told our counsel he would like to make a very brief comment. So I will grant him that permission as soon as I have finished with the minutes of our Clerk. I continue:

The Subcommittee discussed the question of having printed a certain number of copies of the transcript of evidence pertaining to the report of the Honourable Ivan C. Rand. Should this be required, it will have to be approved by the Committee.

At 10.45 p.m., the Subcommittee adjourned.

Fernand Despatie,  
Clerk of the Committee.

Now, I think as the first item of our agenda today I will ask our counsel, Mr. Yves Fortier, to present to you his legal opinion regarding the objections raised by Mr. Justice Landreville last Monday.

**Mr. Yves Fortier (Counsel to the Committee):** Mr. Chairman, gentlemen, in answer to Senator Fournier's question it could be pointed out that the day I sent those telegrams, last Tuesday, I ended the day's work in the Parliament Buildings and walked back to the Chateau Laurier where I had the good fortune of running into my learned friend, Mr. Humphrey. The telegram had gone to his office in Toronto and I take it that he has a

very efficient secretary because she had already telephoned him and read him the substantive part of the telegram. At the time Mr. Humphrey advised me that he would be in touch with His Lordship and I believe that before I give my reply to His Lordship's statement of Last Monday Mr. Humphrey would like to say a few words, with the permission of the committee. It should be pointed out that Mr. Humphrey is expecting to be called before the Supreme Court of Canada—not on the Landreville case, but on another matter—within the next half hour and he probably will not be able to stay with us until I end my statement.

**Mr. McCleave:** Mr. Chairman, we were treated to a walk out the other night and I hope we will have the assurance that if Mr. Humphrey is to make a statement he does not conclude it by suddenly walking out and never appearing here again. I think we are at least owed the courtesy of being able to talk to these people who appear before us before they stage theatrics and dramatics.

**Mr. Fairweather:** I think it should be recorded that I, for one, take the strongest possible exception to inferences drawn at a press conference by a Justice of the Supreme Court of Ontario about the fairness of this Committee to hear the issues. I suggest if the situation was reversed we would be skating very closely to being in contempt of court.

● (9.45 a.m.)

**Mr. Fortier:** It may be that the Committee would allow Mr. Humphrey at this point to in effect answer my telegram which advised—I will not call him his client—His Lordship that we would be reconvening this morning.

**The Joint Chairman Mr. Laflamme:** I think as your Chairman it might be appropriate that we have an acknowledgement by Counsel Humphrey that Mr. Justice Landreville has, of course, received the telegram so he could not complain that he was not convened and he was not invited, or at least notified that the meeting was being held today. If he is not appearing it is because he has chosen not to.

**Mr. Fortier:** I think Mr. Humphrey's statement, gentlemen, should be limited to his reply to my telegram and nothing more.

**The Joint Chairman Mr. Laflamme:** Is that agreed?



**Senator Fournier:** If he has more to say we will probably sit again two other times today, at 3.30 p.m. and 8 o'clock tonight. If Mr. Humphrey prefers to delay his statement and to stay here in case we have some questions to put to him, that could be done.

**Mr. Fortier:** It has always been made very clear that Mr. Justice Landreville and his advisers were more than welcome to partake in the sittings of this Committee.

**Mr. Humphrey:** I did not come here for the purpose of saying anything this morning, really, except in response to the very courteous notification I received, and Mr. Justice Landreville received. As has been pointed out by your counsel, I am in Ottawa on other matters, in the Supreme Court and I must be there at 10.30. I did not come to make a speech, Mr. Chairman, and gentlemen; I simply came in response to the telegram which was so courteously sent to us, and to say that the objections, which Mr. Justice Landreville had made, have been put on the record, and to repeat his statement that he did not take the position he did, out of any disrespect whatsoever for this Committee—I do not recall any suggestion by Mr. Justice Landreville ever questioning the integrity or fairness of this Committee; but in any event, having taken the position that he did, we take this position now, that we cannot, on the one hand, that these proceedings are without jurisdiction for the reasons given and then participate in them. I think that is a legal position that lawyers will understand, that has been taken by him.

I am very interested to hear what Mr. Fortier has to say and if I may be permitted to remain as long as I can, I shall be very interested in that.

**The Joint Chairman Mr. Laflamme:** If you want to stay here, we do not mind at all. Then I can hand you a copy of the written memorandum of our counsel Mr. Fortier.

**Mr. Humphrey:** I should be very pleased to have that if I might. If the Committee feels after they have heard from this counsel, that there are important matters, I have been instructed by His Lordship to say that we would indeed urge that if you feel these are important matters of procedure and law to be settled that they could be settled by a reference to the Supreme Court of Canada.

**The Joint Chairman Mr. Laflamme:** I will say on this point that the matters and the rules which govern our meetings are known

to the members. They have been put in the memorandum of Dr. Ollivier and I do not think that we should enter into a discussion either with you or with your client, Mr. Justice Landreville regarding our procedures because we are bound ourselves by the procedures of the House of Commons.

**Senator Cook:** Mr. Co-Chairman, should it not be made clear that Mr. Justice Landreville either is appearing or is not appearing.

**Mr. Fortier:** He is not here. He has been invited and he is not here.

**Senator Cook:** Then he is not appearing.

**An hon. Member:** Is Mr. Humphrey representing him or not.

**Mr. Fortier:** Are you acting as his counsel today?

**Mr. David G. Humphrey (Counsel for Mr. Justice Landreville):** I appear this morning, gentlemen, as counsel for Mr. Justice Landreville.

**Mr. Tolmie:** Mr. Chairman, I would like to get one point straight. If the Committee feels itself to be a legal committee, a legal entity and we have jurisdiction to proceed, will Mr. Justice Landreville then appear before the Committee?

**Mr. Humphrey:** Sir, the only thing I can say in answer to that is that Mr. Justice Landreville has given me no instruction other than presumably the objections which he has made, and the position which he has taken was made clear at the first meeting, and so far as I am aware that position has not changed.

**Mr. Fortier:** Shall I proceed with my statement?

**Mr. Humphrey:** May I, sir, at the risk of not being said to be walking out, stay as long as I can and then retire?

**The Joint Chairman Mr. Laflamme:** The clerk has shown me article 309 of the parliamentary rules, which say that:

Every witness attending before the House or any committee thereof may claim the protection of the House in respect of the evidence he is called upon to give and also ask leave to be assisted by counsel.

I think at this time, if as Mr. Humphrey has stated, he acts as counsel for Mr. Justice

Landreville, this should be approved by the Committee.

**Senator Macdonald (Cape Breton):** Agreed.

**The Joint Chairman Mr. Laflamme:** Is it agreed that you accept that Justice Landreville be represented here by counsel David G. Humphrey?

**Senator Cook:** It is not clear whether he is representing him or not in view of his statement.

**Mr. McCleave:** Could we ask Mr. Humphrey in relation to this whole matter, whether he will be instructed to stay or whether he knows whether he will be instructed to stay with us. Could I ask him that?

**The Joint Chairman Mr. Laflamme:** I am advised by Maurice Ollivier that if he is not representing anybody, he has no authority at all to speak before us.

**Mr. McCleave:** This is the reason I am asking this question.

**Senator Cook:** Is he, or is he not representing Mr. Justice Landreville as counsel?

**Senator Fournier:** He is already on the record.

**Mr. Gilbert:** Mr. Chairman, this also brings up another point with regard to Mr. Donnelly. Mr. Donnelly was represented as an adviser the other night.

**Mr. Fortier:** We have the statement of his Lordship on Monday night that these two gentlemen and Mr. Guenette were advisers to him and not counsel. Now we have Mr. Humphrey's statement that he is acting as counsel for Mr. Justice Landreville.

**Mr. Humphrey:** I received a promotion.

**Mr. McCleave:** May I ask another question of Mr. Humphrey. Assuming that we continue to go ahead, does he know whether he will be here as counsel, not only today, whenever he can get away from the Supreme Court, but on future hearings of this committee. I think we are entitled to know that.

**Senator Cook:** The situation is that Mr. Justice Landreville has the option to be represented or not represented. Now, is he represented or is he not represented?

**The Joint Chairman Mr. Laflamme:** I think it is a very fair question Mr. McCleave. Mr. Humphrey should clarify it.

**Mr. Humphrey:** First of all, as I indicated, I do appear here this morning as counsel for Mr. Justice Landreville. I appear here in response to the courteous telegram sent by your counsel. I did not come here to present argument or to partake in the proceedings but as a courtesy to this committee to appear and say that Mr. Justice Landreville's position, with the greatest of respect to this committee, has not changed from the position which he outlined to this committee in the first instance.

**Mr. McCleave:** All right; can we carry it further: will you be here tonight; will you be here on subsequent meetings of the committee, Mr. Humphrey?

**Mr. Humphrey:** All I can tell you, is this sir: my present plans are to, I hope, finish the appeal in the Supreme Court of Canada today and I hope to be in Tampa Bay tomorrow for a sailing regatta. If I receive other instructions I will act accordingly.

**Mr. Gilbert:** Mr. Donnelly probably is not going to Tampa tomorrow.

**Mr. Fortier:** Are you sailing, Mr. Donnelly?

**Mr. Donnelly:** No, I am not sailing.

**Mr. Humphrey:** Mr. Donnelly is here with me this morning; he is en route to Montreal and assisting me, if you will, today or advising, any title that you care to confer upon him.

**Mr. Fortier:** Mr. Chairman, gentlemen, first of all I would like to draw your attention to Mr. David Humphrey's letter of January 5, addressed to the Minister of Justice, on behalf of the Hon. Leo A. Landreville, which, as you will have noted, recited most of, if not all, the objections formulated last Monday by his Lordship personally.

This letter forms part of these proceedings and was examined by our steering committee together with Dr. Maurice Ollivier.

Dr. Ollivier's memorandum of January 31 has been filed with our Committee, and in my opinion, it deals more than adequately with all the objections.

I would like to point out that a copy of this memorandum, discussed with Mr. Humphrey, was handed to him by myself on February 14.

In view of the fact that the Hon. Leo A. Landreville has chosen to repeat before the Committee last Monday these objections,



I now beg to submit, as counsel to the Committee, my comments on the strictly legal and procedural points, and I underline these words: my comments are limited to the strictly legal and procedural points raised by His Lordship. I shall deal with them *seriatim*.

On November 21, 1966, a motion for the appointment of the present Joint Committee was passed by the House of Commons. You are all familiar with it, but I believe that the first paragraph bears repeating. It reads as follows:

"That a joint committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions—

—in view of the facts, considerations and conclusions—

—contained in the report of the Hon. Ivan C. Rand concerning the said Mr. Justice Leo Landreville, dated the 11th day of August, 1966,

As you well know, gentlemen, a committee of the House or a Joint Committee can only consider those matters which have been committed to it by the house and it is bound by, and it is not at liberty to depart from, the order of reference. I have just reminded you of the order of reference.

In his statement the other night Mr. Justice Landreville, on page 2, alleged that one of his reasons for objecting to your authority was that a judge of the Superior Court did not come under the Inquiries Act. I submit, to you gentlemen that it is not for this Committee to determine the legality or the illegality of the inquiry re the Hon. Leo-A. Landreville conducted last year by Commissioner Rand. As all of you know, if it had been thought advisable by the interested parties, this could have been done in another forum earlier. I would just like to draw the attention of the committee at this point to evidence taken before Commissioner Rand in Ottawa on April 26, 1966. I read from page 1255 of the transcription of the evidence. On page 1254 the Commissioner asked Mr. Robinette the following question:

**The Joint Chairman Mr. Laflamme:** Just a minute, who was Mr. Robinette.

**Mr. Fortier:** Mr. Robinette was acting as counsel to Mr. Justice Landreville throughout

the Rand Inquiry, and on page 1254 the Commissioner, Mr. Rand, asked the following question to Mr. Robinette:

I would ask this: Was there ever any objection to the Commissioner under the Inquiries Act made?

And after approximately a page and one half of questions and answers Mr. Robinette, speaking on behalf of Mr. Justice Landreville, had this to say at the top of page 1255:

—I must add this, sir, that when this commission was set up, on the instructions of Mr. Landreville I agreed with the present Minister of Justice that I would not raise any constitutional argument and I do not raise that question.

Under subparagraph (2) of paragraph 1 of the learned Justice's comment the other night, he alleged that the Rand Inquiry, in fact, did not have the jurisdiction which it sought to have. Well, gentlemen, in my opinion, the rights, power and privileges of Commissioner I. C. Rand were conferred upon him by Order in Council 1966-128 and certainly not by the Hon. Leo-A. Landreville, as stated by His Lordship. As you well know, under the terms of this Order in Council the Hon. I. C. Rand was appointed Commissioner under Part I of the Inquiries Act to:

Inquire into the dealings of the Honourable Mr. Justice Leo A. Landreville with Northern Ontario Natural Gas Limited or any of its officers, employees, or representatives or in the shares of the said Company; and to advise whether,

One:

anything done by Mr. Justice Landreville in the course of such dealings constituted misbehaviour in his official capacity as a judge of the Supreme Court of Ontario, or whether

Two:

the Honourable Mr. Justice Landreville has by such dealings proved himself unfit for the proper exercise of his judicial duties.

● (10.00 a.m.)

I submit to you gentlemen that Mr. Justice Landreville did not and could not give Commissioner Rand jurisdiction. My comments under 1(1), I submit, are equally applicable to the Hon. Leo Landreville's objection with respect to the Section 13 of the Inquiries Act.



On page 3 of his statement the learned judge stated that his fourth reason of objection was that he had been advised by press reports that the Committee had twice met without notice to him. May I point out that ever since the inception of parliamentary committees it has been the standard practice of such committees, whether they be committees of the House, committees of the Senate or joint committees of the House of Commons and the Senate to adopt their own procedure. I am not inclined to the view that this can be done with disregard of every elemental principle of natural justice. I shall later seek to point out that this has not been done in this case but this is what the recognized authorities all state. This is, in fact, what all committees of this parliament have always done.

Now, there was an organizational meeting of your Committee on February 1. There was election of your Chairman and Co-chairman, nomination of your steering committee and so on. At the meeting of February 9, the report of the Hon. I. C. Rand was made part of the records of your Committee, pursuant to your terms of reference, which report had included as appendix A the report of the Law Society of Upper Canada. Immediately subsequent to this meeting the Hon. Léo A. Landreville, through one of his advisers, Mr. David G. Humphrey, was convened to Ottawa for a meeting with myself and your Joint Chairmen in order to discuss, amongst other things, the Committee's procedures. This meeting was held on February 14 and it is of record. At that time Mr. Justice Landreville's representative was asked to provide the Committee with the names of all witnesses he wished to call on his behalf. The above was confirmed by my letter of February 15 to Mr. Humphrey which is also part of these proceedings. Gentlemen, the Hon. Léo A. Landreville was never advised that no witnesses would be called by your Committee.

On page 4 item 4 of the learned Justice's statement, he objects to the tabling of the Law Society report. As I mentioned above the report of the Law Society of Upper Canada is appended to the Rand Report which later report, forms part of your Committee's terms of reference. In this connection may I also refer to the evidence which was given before Mr. Commissioner Rand and to a statement made by Mr. Justice Landreville's counsel, Mr. Robinette, at page 1327, I quote:

The Commissioner: I have it on vested authority that, so far as the Law Society

is concerned, it is a matter of indifference whether the Minister or whether this Commission should make it available, as you might say, as an attachment to its proceedings—

Mr. Robinette: No, I wouldn't think it made any difference at all.

Now this is Mr. Robinette speaking on behalf of his client, Mr. Justice Landreville. We note again on page 4, under Item 2, that the learned judge stated that this report was: "gratuitously appended while the report of Magistrate Marck herein, endorsed by the Attorney-General was suppressed." I would point out, gentlemen, that with respect to the report of Magistrate Marck, I submit that this is exactly the sort of evidence which could properly have been submitted to your committee by the Hon. Léo A. Landreville had he wished to accept your offer of adducing evidence.

My next objection, says the learned judge:

Parliament itself must act within the Constitution.

Well, gentlemen, I tried to read between the lines of this objection and the only way I could understand it was that the Hon. Léo Landreville appears to allege that parliament in setting up this Committee, in acting as it is doing, is not acting within the constitution. We all recognize that parliament must indeed act within its constitution. As you know the Queen, the Senate and the House of Commons together constitute parliament. The Senate and the House of Commons were created by and draw their very existence and plenary powers from section 17 of the British North America Act. Need I draw to your attention section 99(1) of this act which reads as follows:

Subject to subsection two of this section the Judges of the Superior Court shall hold office during good Behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Now, gentlemen, with great respect to the learned justice, if the question, as he appears to do, the right of parliament to implement section 99(1), he questions the very existence of parliament itself.

Mr. Justice Landreville also objected because, he said:

—this is the seventh hearing in which I appear.

I have counted them and this is so. This is, in fact, the seventh time he has testified. He testified before the Ontario Securities Commission; he testified before the British Columbia Securities Commission; he testified at Mr. Farris' preliminary inquiry; he testified at Mr. Farris' trial; he testified before Commissioner Rand and he was invited, if he wished, to testify before your Committee. I fail to see, however, the purport of this objection. It seems to me it is the responsibility of any citizen albeit a judge of a Supreme Court to appear in proceedings where he is invited to do so and given evidence on matters with which he may be concerned.

Now, English precedent requires that the motion which established your Committee presuppose an investigation by a Royal Commission, which has in fact culminated in the report of Commissioner Rand. I should have underlined the words "by a Royal Commission" because this was exactly what the Rand Commission was. The facts, considerations and conclusions of this report will form the basis of this Committee's inquiry and its subsequent report to parliament, the highest tribunal in the land.

In my opinion, gentlemen, the three conclusions of Commissioner Rand at pages 107 and 108 of his report constitute the specific reasons for your inquiry into the expediency of the Hon. Léo A. Landreville's removal. I will dispense with the reading of those three conclusions, because I am certain that you have all done your homework and noted them. Suffice it, however, for me to point out, that these are the "specific reasons" which His Lordship asked for at the bottom of page 4. Allow me to quote again from Mr. Justice Landreville's own evidence, this time, not through his counsel, before Commissioner Rand. I quote from page 1253.

**The Witness:—Sir:** In having asked for a Commission I say that it is not a matter of defending myself against an accusation of crime or a breach of ethics; I am here to prove my innocence, as I feel that that is my duty, and I want to be judged by the severest test, because I have lived, as I believe, by the severest test.

With respect to what witnesses should be called, gentlemen, Your Committee, as is well known, is bound by Standing Order 69(1) of the House of Commons, which reads as follows:

No witness shall be summoned to attend before any committee of the House

unless a certificate shall first have been filed with the chairman of such committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important.

Under item 6 of his statement Mr. Justice Landreville objected to a ruling made in his absence that there would only be one report by a majority of this committee. Now, I submit to you gentlemen, that this was not a ruling made by your Committee but rather a recognition, and acknowledgment by your Committee of parliamentary procedure as it has always been acted upon. Need I refer to Dr. Ollivier's memorandum dated January 31, 1967, where, referring to a Beauchesne and May, he said:

The practice is that the Chairman or, in his absence, a member of the Committee, will state the nature of the report and have it tabled. It is the opinion of the Committee which is required by the House and not the opinions of the individual members. A majority of the opinion signed by the Chairman alone is the report—no dissenting opinion or minority reports should be made in the name of the Senators and a separate one in the name of the Members—there is only one committee, a joint committee of both Houses.

I shall dispense with the reading of Beauchesne.

Finally, gentlemen, the Hon. Léo Landreville—

**Mr. Bell (Carleton):** I think that should be on the record, Mr. Chairman.

**Mr. Fortier:** Would you like me to read it? Well Beauchesne's citation 318, paragraph 2 states:

It is the opinion of the committee, as a committee, not that of the individual members, which is required by the House, and, failing unanimity, the conclusions agreed to by the majority are the conclusions of the committee. No signatures may, therefore, be attached to the report for the purpose of showing any difference of opinion in the committee or the absence thereof; nor may the report be accompanied by any counterstatement, memorandum of dissent, or protest from any dissenting or non-consenting member or members; nor ought the committee to



include in its report any observations which the minority or any individual member desires to offer, but which are not subscribed to by the majority; nor may a draft report which has been submitted to the committee but has not been entertained by it be printed as an appendix to the report. If a member disagrees to certain paragraphs in the report, or to the entire report, he can record his disapproval by dividing the committee against—the entire report, as the circumstances of the case require; and can put on record his observations and conclusions, as opposed to those of the majority by proposing an alternative draft report or moving an amendment to the question for reading the draft report a second time.

Finally, gentlemen, the Hon. Léo A. Landreville suggests on pages 5, 6 and 7 of his statement that his objections be referred for adjudication to the Supreme Court of Canada. Committees such as yours are regarded as portions of the house and are governed in their proceedings by the same rules which prevail in the house and every question is determined in the committee in the same manner as in the house. As the learned author May notes at page 641 of his treatise:

The interpretation of the order of reference of the select committee is a matter for the committee.

Not for the Supreme Court of Canada; indeed, Section 99 of the British North America Act excludes the authority of the Supreme Court of Canada in proceedings such as the one before your Committee. My view of this last objection raised by the learned justice is to the procedure adopted by the Parliament of Canada. In reply thereto I may but indicate the reflection of the Mother Parliament while confronted with the expediency of removing Sir Jonah Barrington and I quote from Secretary Peel's statement:

It is proposed that the proceedings in the House shall be abandoned for the purpose of instituting a prosecution in a court of justice, where the guilt or innocence of Sir Jonah Barrington should be legally established; and that, if guilty, this House should afterwards found its proceeding upon that verdict. Sir, I cannot consent to go to a court of law to try, by legal evidence, whether a Judge who is accused be guilty of a legal offense:—for the House, I conceive, may

be fully satisfied of the criminality of a Judge—and fully warranted in addressing the Crown for his removal—on evidence which a court of justice would not consider legal evidence, and for conduct which might not amount to a legal offence. The Act that renders our Judges irremovable by the Crown, except for improper conduct, has its inconveniences as well as its advantages—but great as are the latter, we should find the Act a curse instead of a blessing to the country, if a Judge could be removed only for a legal offence, legally proved in a court of justice. One can easily imagine many acts of a Judge—many acts of immorality or indecency, of which the law would not take cognizance as legal offences—yet which would justly warrant this House to address the Crown for his removal.

Gentlemen, your terms of reference enunciated above form the basis of your deliberations and in my opinion, you are now free to proceed with such deliberations in the discharge of your supreme duties.

**The Joint Chairman Mr. Laflamme:** Senator Fournier, do you have any questions?

**Senator Fournier:** There is one thing on which I would like to be clear. In the Hon. Mr. Landreville's statement at page 4, paragraph 2 he says:

We object to the tabling of the Law Society Report because—

And he gives three reasons. Now, in your brief at page 4, the first paragraph, you state:

• (10.15 a.m.)

In my opinion, the three conclusions of Commissioner Rand, at pages 107 and 108 of his report, constitute the specific reasons for your enquiry into the expediency of the Hon. Leo A. Landreville's removal.

In my opinion that excludes the Law Society Report being tabled; if we have to stick to those specific reasons, I see no reason why the Law Society report be tabled before us. I would like to have this point cleared up.

**Mr. Fortier:** I think, with great respect to the Senator, that we are now talking about two entirely different things. In the first place, as I pointed out, the terms of reference of your Committee are extremely clear. They refer to the facts, considerations and conclusions contained in the report of the Hon. I. C.



Rand. In saying as I did, at the top of page 4, that in my opinion the specific reasons for your inquiry into the expediency of the hon. Mr. Landreville's removal were Commissioner Rand's conclusions. I was answering the comment of Mr. Justice Landreville at the bottom of page 4 where he said:

Basic natural justice commands that some specific reasons be given for my suggested removal.

But I was not implying that your terms of reference were not the Rand report. These are two entirely separate things, sir.

**Senator Fournier:** Were any representatives of the Law Society called upon to testify before Mr. Justice Rand?

**Mr. Fournier:** No, they were not.

**Senator Fournier:** This was an external paper that came and was put in the record.

**Mr. Fortier:** Well, as I pointed out, with the implied approval of counsel for Mr. Justice Landreville, Mr. Robinette, this was so done. That is correct. And it is appended as an appendix to the report.

**Senator Fournier:** I am still of the opinion that it is not within the scope of our duty to consider that report.

**Mr. Fortier:** Well,—

**Mr. Bell (Carleton):** The issue surely is only the weight that is to be attached to it. It is physically part of the documents of the Rand report. What weight we attach to it is something we will determine at the appropriate time.

**Mr. Fortier:** Members of the Committee may not like it but the report is part of the Rand report, and the Rand report is your term of reference.

**Senator Fournier:** When the time comes for us to make a report we might come back to this objection.

**The Joint Chairman Mr. Laflamme:** May I refer hon. members to page 95 of the Rand report, paragraph 2 where he says:

It is perhaps unnecessary to say that the resolution of the benchers of the Law Society of Upper Canada submitted to the Minister of Justice has played no part whatever in arriving at the conclusions of fact set out in this report. Its only relevance is that the

governing body has seen fit to seek an inquiry into matters for several years the subject of wide public concern: no challenge to the propriety of such a request from a body having such an interest in the administration of Justice has been or could be made. A copy of that resolution is annexed as appendix A of this report.

**Mr. Fortier:** May I also point out that Order in Council 1966-128 which set up the Rand inquiry reads in part:

... authorize our said Commissioner to adopt such procedure and methods as he may from time to time deem expedient.

He was not, any more than you as a select committee are, bound by the technical rules of evidence unless particularly instructed. This is pointed out in Dr. Maurice Ollivier's memorandum at the bottom of page 4. This is not a court of justice, neither was the Rand inquiry.

**Senator Fournier:** Although he was not bound to comply with the evidence act it would have been much better for him to call on witnesses that might have contradicted the report of the society. When the time comes for us to make a report we will take this fact into consideration. In my opinion it should be put aside but we have already accepted that, yes.

**The Joint Chairman Mr. Laflamme:** Does any member of this Committee have any questions to ask either of our counsel, Mr. Fortier, or of Dr. Ollivier so that we can clear up these legal matters and then proceed with our deliberations?

**Mr. McCleave:** Mr. Chairman, the judge himself is here now so perhaps there are questions that come from that side.

**The Joint Chairman Mr. Laflamme:** Justice Landreville, a few moments ago your counsel, Mr. Humphrey, stated before us that he appeared as your counsel. Should I address myself now, as Chairman of the Committee, to yourself or to your counsel?

**Mr. Justice Leo A. Landreville:** Mr. Chairman, my first word is one of excuse to all committee members for being late. I would like to stand here as my own counsel, and I presume that my assistant counsel has already stated our position in that respect. I could only repeat that our objections still

stand. I have not had the benefit of hearing all the arguments of the learned counsel of the Committee. I would have liked to indeed assure you that in the final analysis if he has disagreed with us, which I at this moment do not know—he may have agreed—I take issue with him, if he has disagreed, as to the legality of the Rand Report which is to me fundamental to these proceedings.

**The Joint Chairman Mr. Laflamme:** I do not want to interrupt you, Mr. Justice Landreville, but I do not think it would be appropriate at this time that you repeat the legal objections that you have already raised before us last Monday.

**Mr. Landreville:** I am not going to go into that and I am certainly, Mr. Chairman, not going to labour that point at all. I would like, however, to accept whatever rulings this Committee may make and consult my advisers, and counsel as well, in the light of your rulings and then advise this Committee of my position. If you recall, Mr. Chairman, what my suggestion was when I spoke the other night, I do not want it to be inferred that I boycotted this committee. I have not boycotted. I have stated my position. I was told that it was not my trial and that is why I left. It is as simple as all that.

The point that I made the other night, I can only repeat it, is that to me that is a solution. We take issue on matters of law. I believe that the proper tribunal to decide law is the Supreme Court of Canada.

**The Joint Chairman Mr. Laflamme:** I am awfully sorry, Mr. Justice Landreville, to interrupt you at this time but as Chairman of the Committee I am bound by the rules of the Committee and I think at this time you are addressing the Committee. I think I should first ask the members of the Committee if it is the decision of the Committee that we proceed with hearings as we are instructed to do. If it is the consensus of the members of the Committee, then I will ask you if you want to appear and testify before us. I think it is up to the Committee members to decide. I cannot do it myself.

**Mr. Bell (Carleton):** Mr. Chairman, in view of the clear mandate which we have from the Senate and the House of Commons and the very clear legal opinion which we have from our counsel, I move we proceed with our deliberations.

**Senator Fournier:** I second the motion, and I would like to congratulate our counsel for the clarity of the report this morning. It is quite clear we are perfectly within our rights within the scope of the B.N.A. Act.

**The Joint Chairman Mr. Laflamme:** I should point out to members that for many days our counsel, with the assistance of Dr. Ollivier, has done a tremendous amount of work and spent many days on this report. It has taken his full time. I have a motion.

**Mr. Gilbert:** Mr. Chairman, I think we should decide whether Mr. Justice Landreville is proceeding to reply to the legal opinion of the Committee's counsel. If he is, he should be permitted to finish his reply. If he is not, and if he is asking for time to consider the opinion of legal counsel of the Committee, that is a different matter, and I think probably he should be heard on that.

**The Joint Chairman Mr. Laflamme:** Do you really think it should take us a long time to decide if we have the right to sit?

**Mr. Gilbert:** No; I am not suggesting that. I am suggesting that he should make himself clear whether he is replying at this time to the legal opinion of the Committee's counsel.

**The Joint Chairman Mr. Laflamme:** Are you speaking to the motion because I have a motion before me. I have a motion moved by Mr. Bell (Carleton) and seconded by Senator Fournier that we proceed with our deliberations and accept the report of our counsel, Yves Fortier. All those in favour will please signify? All those opposed? I declare the motion carried unanimously.

Motion agreed to.

Now that we have decided to proceed with our deliberations, Justice Landreville, I should ask you again, as I did last Monday night, if you have any witnesses, and if you wish to appear before us as a witness yourself at present?

**Mr. Landreville:** Mr. Chairman, at the present time my objections stand. I have unfortunately not heard the learned argument presented by counsel and I have not replied to the same; I have had no opportunity. I may seek, although there is a motion duly passed that you proceed, an adjournment for the purpose of considering the argument presented by counsel, and take advice.



**The Joint Chairman Mr. Laflamme:** At this moment, I must, Mr. Justice Landreville, with great respect, advise you that your counsel David Humphrey has presented himself and addressed us before our deliberations this morning, to the effect that he was representing you as counsel and he was here during the presentation of legal opinion by our counsel. I do not think I can put a motion before the members moved by someone else. I think a motion has to be put by a member of the Committee.

**Mr. McCleave:** I would like to clear one thing up. At times Mr. Justice Landreville is his own counsel and at times he is running out to get advice from his advisers. This, I think, leaves the Committee in a strange position. I think he has to make up his mind that he is going to carry his case all the way or get somebody else to carry it for him. But this bobbing in and bobbing out is most unsatisfactory, and I suggest if it was attempted in the Supreme Court of Ontario it would draw quick censure from the judge who had to put up with such behaviour.

**The Joint Chairman Mr. Laflamme:** I must point out that, as I said, I cannot receive a motion from anyone other than members of the Committee. I have put the entire question to Justice Landreville. I wanted to know if he had any witnesses and if he wanted to appear himself as witness and he said no.

● (10.30 a.m.)

**Mr. Landreville:** May I make a correction, Mr. Chairman—

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** —to the last statement you have just made. I have just briefly heard the ruling that this Committee proceed in spite of the objections I have raised and after the argument presented by counsel to which I have not replied. Now, the position I take is simply that I wanted to know the rulings of this Committee. I wanted to advise myself whether to call witnesses or not. Surely, at this stage, if you wish to proceed, there is nothing I can do. My added objection is that I want delay to consider my position.

**Mr. Fairweather:** I move that the Committee adjourn for 15 minutes so that Mr. Justice Landreville can consider the points made by counsel to this Committee this morning and consult with his advisers.

**Senator Macdonald (Cape Breton):** I object to that, Mr. Chairman. If we are going to give an adjournment it should be one of some consequence, not 15 minutes.

**Senator Cook:** I agree, Mr. Chairman. I do not know if I agree with an adjournment at all, but if we are going to have one it should be longer.

**The Joint Chairman Mr. Laflamme:** Just a moment; I must advise members that almost all the objections raised by Justice Landreville last Monday have already been answered by the memorandum of Dr. Ollivier of the 31st of January last and it is part of our records. I have a motion for adjournment, moved by Mr. Fairweather and seconded by Mr. Bell? Did you second the motion?

**Mr. Cashin:** I wonder whether Mr. Fairweather would consider making that at least a half an hour.

**Mr. Fairweather:** Yes.

**Senator Macdonald (Cape Breton):** Speaking to the motion, Mr. Chairman, as I understand Mr. Justice Landreville's position and the position of this Committee, it is this. We have accepted our counsel's findings as to jurisdiction, and all that. So there would be no point in an adjournment just for him to answer those objections, because we are carrying on. But, I understand also from him that he wishes some time to consider his course of action in the light of our decision to carry on? Is that correct?

**Mr. Landreville:** That is my position. I deem it only fair to allow me—today is Thursday—to Monday and have this Committee reconvene on Monday.

**Senator Cook:** I want to be entirely fair and speaking to the motion, I would not mind agreeing to adjourn until half past three. I think that is being more than generous.

**Mr. Fairweather:** Fair enough, I so move.

**Mr. Bell (Carleton):** I second it.

Motion agreed to.

**The Joint Chairman Mr. Laflamme:** This meeting is adjourned for the purpose of giving Justice Landreville an opportunity to consult with himself and with his counsels and to decide on his next course of action.



**Mr. Bell (Carleton):** The business in the house may make it difficult for some of us to be here at 3.30. I am engaged in the immigration appeal legislation; however, I raise no objection. I simply wanted it noted that if I am not here I will be in the house where I am leading for the opposition. I may not be in any better position this evening.

**The Joint Chairman Mr. Laflamme:** This Committee is adjourned until 3.30 this afternoon.

### AFTERNOON SITTING

Thursday, February 23, 1967.

● (3.38 p.m.)

**The Joint Chairman Mr. Laflamme:** Order, please. Gentlement, I see a quorum and I think we should resume. My Co-Chairman, Senator Lang, could not be here this morning because he had to deliver a speech in Toronto but he is supposed to be here in a few moments.

The Clerk has asked me to advise the members of the Committee that we have at hand all the exhibits pertaining to the reports of the Hon. I. C. Rand. They have been obtained for reference by members of the Committee if they wish to do so. It is understood that those exhibits will be in the hands of our Clerk and will have to be returned to the Rand Commission's secretary who will have them placed in the custody of the Parliamentary Library.

Our adjournment this morning was for the purpose of allowing Justice Landreville to look at and study the opinions given by our counsel, Mr. Fortier, in answer to his legal objections raised before us on Monday night. Is it the consensus of the Committee that at this time we should ask Justice Landreville if he has any comments to make on the opinion given to us by our counsel and approved by a unanimous motion this morning. Is it agreed?

**Some hon. Members:** Agreed.

**The Joint Chairman Mr. Laflamme:** Justice Landreville, you asked for an adjournment which was granted and I would ask you if you have had a chance to look at the answers given on legal matters raised by yourself. Do you have any comments to make?

● (3.45 p.m.)

**Mr. Justice Leo Landreville:** Mr. Chairman, during these few hours of adjournment,

I have considered the reply of your counsel to my objections already recorded. The only point on which it may be said that we agree is that perhaps this is not the forum to determine these matters on which we take issue. That being so, and your recorded decision is to proceed with this hearing and not to avail yourselves of the opportunity of seeking the guidance of the Supreme Court of Canada on a reference, then may I advise you, Mr. Chairman, once again, that I cannot partake in these proceedings and attorn to your jurisdiction and thereby, by such act, waive all my legal rights by giving my evidence or producing witnesses.

**Mr. McCleave:** Mr. Chairman, there is one point that we will have to discuss sooner or later, namely the suggestion by Mr. Justice Ivan Rand as to what burden lies upon Mr. Justice Landreville. Justice Landreville has just told us that he does not wish to attorn to our jurisdiction and present evidence and witnesses, but could we ask him, just by way of clarification, whether he is prepared to have argument presented whether Judge Rand's formula as it relates to judges is a correct or an incorrect one?

**Mr. Landreville:** I have already indicated my objection to that and that is part of my objection as well.

**Mr. McCleave:** I really was asking whether there would be argument by Justice Landreville, or someone on his behalf, before the Committee if the Committee so desires on that particular point?

**Mr. Landreville:** I obviously cannot argue law as to onus in this forum.

**Mr. Fortier:** Is it to be understood that your declination of the Committee's jurisdiction will also go to the argument which may be adduced whether or not Commissioner Rand's *ratio decidendi* is valid?

**Mr. Landreville:** I again repeat that—as cunning as your question may be, my learned friend—I cannot be brought into commenting on or discussing Mr. Rand's report.

**Mr. Fortier:** I think it should be made clear for the benefit of the Committee, Mr. Justice Landreville, and you will bear with me if I ask you to repeat it, that your decision is now firm, and you will not call any witnesses on your behalf and you will not testify yourself on your behalf. Is that correct?

**Mr. Landreville:** As every lawyer knows, one cannot argue, present evidence and then dispute jurisdiction. That is fundamental, and therefore I must elect either to give evidence and waive the rights and objections that I have raised, or else just stand on my objections, and it is on my objections that I stand.

**Mr. Fortier:** I am sorry, I appreciate what every lawyer knows, but I think it bears repeating. You make it clear that this is not a decision that you are likely to change, with respect to your having witnesses heard on your behalf or testifying yourself, for the benefit of the members of the Committee before they start deliberating?

**Mr. McCleave:** I do not think it is necessary for Mr. Landreville to stand up every time he answers.

**Mr. Landreville:** I am grateful.

My objection is noted and I think my statement is clear in itself: In which way do you wish me to amplify? Of course, your Chairman and this Committee may review its ruling and in the light of such review, then I may amend my stand.

**The Joint Chairman Mr. Laflamme:** Since the opinions given by our counsel this morning had been unanimously approved by the members of the Committee, did you expect that this ruling could be overruled by the same members?

**Mr. Landreville:** It is not for me, Mr. Chairman, to comment on the firmness of your decisions. You have decided and there you stand and I have taken my position.

**Mr. Tolmie:** I think it is quite important to make certain that the position of this Committee is clear and that the facts are on the record. As I understand the position of Mr. Justice Landreville, he objects to the legality of this Committee and as such, is unwilling to appear before it or have witnesses appear before it. We have taken the position that we are legally constituted, we have a mandate to make inquiry and as such I feel that our next step should be to proceed, based on the terms of reference laid down by the House of Commons. But it should be iterated that Justice Landreville has every opportunity to appear before this Committee. It is his considered opinion that the Committee itself was not properly constituted, and he will not appear. I feel that our position as a Committee should be clear. We have at all times been

ready to accept any evidence or any of his witnesses.

**The Joint Chairman Mr. Laflamme:** At this time, and after long discussion with our counsel on this matter, I think the proper course of action, which I would recommend to members, would be to act within our terms of reference. We should have a look at the conclusions reached by Mr. Justice Rand in his report, which has been submitted to us, and see if, with the assistance of our counsel, and after examining parts of the transcript of the evidence given before Justice Rand, they are justified, and then report to the House of Commons, because this is our duty. I will now ask our counsel, Mr. Fortier, who has already prepared an examination of the evidence, to substantiate this and find out if members agree that this should be our course of action.

**Mr. Fortier:** In order to assist you in your deliberations, Mr. Chairman—

**The Joint Chairman Mr. Laflamme:** Before you start, do I understand that the members here present agree that this is the course of action that we should follow at present?

**Mr. McCleave:** Mr. Chairman, could I suggest that we adopt this initially until we get our show on the road, but leaving us free to decide whether we want live witnesses before us.

**The Joint Chairman Mr. Laflamme:** Indeed.

**Mr. McCleave:** But I think this is a good way to start.

**Mr. Fortier:** To assist you in your deliberations I think it should first be pointed out, if it is the Committee's feeling, that Mr. Justice Landreville would have every opportunity, as this Committee progresses, to adduce evidence if he happens to change his mind. Is that the feeling of the Committee? My recommendation would be that it be the feeling of the Committee.

**The Joint Chairman Mr. Laflamme:** Is it agreed?

**Some hon. Members:** Agreed.

**Mr. Landreville:** On a point of order, Mr. Chairman,—

**The Joint Chairman Mr. Laflamme:** I am sorry, but no point of order can be raised in



a house committee, unless it is raised by one of the members of that committee. I am really sorry, but I cannot allow you to raise a point of order.

**Mr. Fortier:** I think gentlemen, it would be useful in your deliberations if we started by reading the three conclusions of Commissioner Rand, which are found at pages 107 and 108 of his report. As I said this morning, it is my opinion that these three conclusions constitute the specific reasons for your inquiry into the expediency of the Hon. Leo A. Landreville's removal. What are these three conclusions which followed hearings in Vancouver, Sudbury, Toronto and Ottawa, where a number of witnesses were heard at the insistence of the Commission, cross-examined at length by counsel for Mr. Justice Landreville? It should also be pointed out that during the last two days of those hearings, Mr. Justice Landreville testified here in Ottawa before Commissioner Rand; that his testimony fills two volumes of the proceedings before the commission of inquiry. Mr. Justice Rand, as he then was, concluded, after hearing the evidence and deliberating, at page 107, as follows:

Drawn from the foregoing facts and considerations, the following conclusions have been reached:

1. The stock transaction between Justice Landreville and Ralph K. Farris, effecting the acquisition of 7,500 shares in Northern Ontario Natural Gas Company, Limited, for which no valid consideration was given, notwithstanding the result of the preliminary inquiry into charges laid against Justice Landreville, justifiably gives rise to grave suspicion of impropriety. In that situation it is the opinion of the undersigned that it was obligatory on Justice Landreville to remove that suspicion and satisfactorily to establish his innocence, which he has not done.

It may be useful for members of the Committee at this point to refer to page 1253 of the proceedings before Commissioner Rand. I read the sentence in question this morning, and I will repeat it. This was at a time when Mr. Justice Landreville was on the stand and he was being questioned by the Commissioner. He said, and I quote:

In having asked for a Commission I say that it is not a matter of defending myself against an accusation of crime or a breach of ethics; I am here to prove my innocence...

This is Mr. Justice Landreville speaking.

I am here to prove my innocence, as I feel that that is my duty, and I want to be judged by the severest test, because I have lived, as I believe, by the severest test.

● (4.00 p.m.)

Now, you may ask yourselves in your deliberations whether or not Commissioner Rand was justified in arriving at the conclusion that Mr. Justice Landreville had not so proven his innocence.

The second conclusion of the Commissioner was:

That in the subsequent investigation into the stock transaction before the Securities Commission of Ontario in 1962, and the direct and incidental dealing with it in the proceedings brought against Ralph K. Farris for perjury in 1963 and 1964 in which Justice Landreville was a Crown witness, the conduct of Justice Landreville in giving evidence constituted a gross contempt of these tribunals and a serious violation of his personal duty as a Justice of the Supreme Court of Ontario, which had permanently impaired his usefulness as a Judge.

Later on, when I review the evidence, the facts and considerations, I will ask you to decide whether or not Mr. Commissioner Rand was justified in arriving at this particular conclusion.

The third conclusion of the Commission was:

That *a fortiori* the conduct of Justice Landreville, from the effective dealing, in the spring of 1956, with the proposal of a franchise for supplying natural gas to the City of Sudbury to the completion of the share transaction in February 1957, including the proceedings in 1962, 1963, and 1964, mentioned, treated as a single body of action, the concluding portion of which, trailing odours of scandal arising from its initiation and consummated while he was a Judge of the Supreme Court of Ontario, drawing upon himself—

And here he, in fact, cites Mr. Justice Landreville himself.

—the onus of establishing satisfactorily his innocence, which he has failed to do, was a dereliction of both his duty as a public official and his personal duty as a



Judge, a breach of that standard of conduct obligatory upon him, which has permanently impaired his usefulness as a Judge.

In all three respects—

Concludes the Commissioner, finally—

—Justice Landreville has proven himself unfit for the proper exercise of his judicial functions.

Having started with the conclusions of Commissioner Rand, I will now return to the facts and considerations listed in the report and ask you pertinent questions.

First of all: What were the terms of reference in the Order in Council from which Commissioner Rand drew his power and jurisdiction? The terms of reference related to two matters. If you will direct your attention to the Order in Council, which is reproduced at the start of the report, you will see that Commissioner Rand's terms of reference related to, One:

To inquire into the dealings of the Honourable Mr. Justice Leo A. Landreville with Northern Ontario Natural Gas Limited or any of its officers, employees or representatives, or in the shares of the said Company; and

Two:

—to advise whether, in the opinion of Our Commissioner—

One man's opinion, agreed, but one who held a mandate from the Governor General in Council.

—anything done by Mr. Justice Landreville in the course of such dealings constituted misbehaviour in his official capacity as a judge of the Supreme Court of Ontario or whether the Honourable Mr. Justice Landreville has by such dealings proved himself unfit for the proper exercise of his judicial duties.

Now, you will recall that Commissioner Rand makes it very clear in his report at page 90 that there is no question raised of misbehaviour in the discharge of judicial duty. This was not in issue before Commissioner Rand and although this was within the terms of reference of Commissioner Rand, his findings are quite clear on that point:

No question is raised of misbehavior in the discharge of judicial duty;...

The inquiry goes to conduct outside that function. How does Commissioner Rand proceed? In his very thorough examination, Mr.

Justice Rand, in addition to hearing all evidence as I pointed out earlier, of Mr. Justice Landreville, and others also reviewed the evidence, given by Mr. Justice Landreville on earlier occasions before the Securities Commission of Ontario in 1962, during the proceedings brought against Ralph K. Farris for perjury in 1963 and 1964; the Commissioner also viewed various articles in *Maclean's* magazine and the *Toronto Star*, which attributed remarks made by Mr. Justice Landreville, and examined his interviews by members of the RCMP in September 1962, prior to the Securities Commission Inquiry of the same year.

I should like to point out that all of these matters were made exhibits of the Rand Commission. I will only refer you to appendix E in the report. In addition it might be assumed that the various letters and interviews, were available for review and use by all witnesses and therefore they formed part of the body of evidence as used before Commissioner Rand. I would submit, gentlemen, for your deliberations, in order to assist you, that Mr. Commissioner Rand's Report may be divided into the following categories:

One, facts. Under this heading one should review the factual situation. In my humble opinion this would relate to correspondence; first, second and third reading of bylaws of the City of Sudbury, Fuel Board hearings, and its orders; interviews, telegrams, date the franchise agreement was signed between the City of Sudbury and Northern Ontario Natural Gas, etc.

Second, the evidence. The evidence of Mr. Justice Landreville, when heard before the Commissioner, relating to these facts and including his explanation of the circumstances surrounding them during all of the occasions when he gave evidence or was interviewed, or was quoted, provided these facts were adduced legally before the Rand Commission.

Third, after facts and evidence, I would submit that you should apply your mind to the *ratio decidendi* of Commissioner Rand. I know I speak to, as was pointed out the other night, sixteen lawyers and one member of the clergy, and I am sure that the member of the clergy is aware of what *ratio decidendi* means; it is those relevant and material considerations which a judge finds before he arrives at a judgment. The view that Commissioner Rand took of the factual situation and of the explanations given by Landreville

J. during all of the occasions in B (in B I refer to the evidence), provided, of course, that it is kept within the terms of reference.

And finally, gentlemen, you will have to consider a fourth heading, whether or not there are *obiter dicta* in Commissioner Rand's Report. These would be reflections of Commissioner Rand on the personal disposition of Landreville J. and what one may term, by comparison with the *ratio decidendi* other irrelevancies. The authority given to Commissioner Rand entitled him to examine whatever evidence he saw fit and—and I quote from the Order in Council—

to adopt such procedures and methods as he may from time to time deem expedient for the full, proper and fair conduct of the inquiry—

He was not restricted to the ordinary rules of evidence. He could not, however, I suggest, adopt a procedure tantamount to a denial of natural justice.

The *ratio decidendi* comprises the judgment of Commissioner Rand, where, as a trial judge is required to do, he reviewed all the evidence; where, as a trial judge is required to do, he gave his opinion as to the credibility of witnesses; where, it is his prerogative and duty, and following which he rendered judgment on the basis of this evidence. I suggest to you that provided that judgment was restricted to matters relating directly or indirectly to the terms of reference, the Commissioner was well within his authority.

What are the *ratio decidendi* of Commissioner Rand? I have thumbed my way through the evidence and through his report and I would like to refer you to it, and to what, in my opinion constituted the *ratio decidendi* of Commissioner Rand. You may wish to make note of these items.

First of all, there is—and it is found at the top of page 9 and the middle of page 10—his review of the evidence relating to the delay in Sudbury for the arrangements for that city to be part of the natural gas program from January 1955 until the spring of 1956. He found this for a fact; that there was delay in Sudbury; there was what had been termed by a witness before the Rand Commission a wait-and-see attitude from January 1955 until the spring of 1956.

Another part of the *ratio decidendi* can be found on page 17 of the report and it has to

do with the telegram which was sent by the mayor of Sudbury, Mr. Landreville, as he then was, to the Hon. C. D. Howe on May 3, 1956. The Commissioner, at page 17, interprets this communication. In my humble submission, this was part of his authority and this forms part of the *ratio decidendi*. At the bottom of page 17, the Commissioner comes to the conclusion and I read:

By May 2, the Mayor was riding high in support; the prior "abeyance"...

The prior wait and see attitude—

—had come to an end;...

And the delay was no longer evident. At page 22 of the report, Commissioner Rand assesses the effect, from a legal point of view, of the correspondence between Northern Ontario Natural Gas and Mr. Justice Landreville. Members of the Committee will certainly recall what this correspondence deals with. The letters are reproduced at pages 20 and 21 of the report. There is, first of all, the letter from NONG, dated July 20, to Mayor Landreville, a very formal letter, addressed to his home and there is a reply, dated July 30, 1956, from Mayor Landreville to Mr. Farris.

● (4.15 p.m.)

Now, the legal effect of this correspondence, whether or not it had all the necessary elements of a contract, are examined at length by the learned Commissioner, and he gives his opinion at the bottom of page 22. I suggest to you that this also is part of the *ratio decidendi*.

You now come in your deliberations, to page 27, the last six words of page 27 to the top of page 28, the first four and a half lines. This is an examination by Commissioner Rand, and he uses here a word which was used by Mr. Landreville himself when he testified. He refers to this "affinity" between Landreville J. and Mr. Farris, after an association of some four months. I suggest to you, gentlemen, that this is also part of the *ratio decidendi*, which assisted Commissioner Rand in arriving at the conclusions that we saw earlier.

At the bottom of page 29, and also going on to the top of page 30, Commissioner Rand reviewed the urgency, or rather noted the urgency which was evident in the Municipal Council of Sudbury, and which preceded the third reading of the bylaw approving the Northern Ontario Natural Gas franchise. You



will find those comments of Commissioner Rand at the bottom of page 29 and at the top of page 30.

Commissioner Rand's next *ratio decidendi*, in my humble opinion, is to be found at page 32, and it deals with his doubts whether or not Mr. Justice Landreville had heard of Continental Investment or Convesto, prior to January 22, 1957. You will find this in the middle of page 32.

At the middle of page 34, Commissioner Rand passes judgment on the manner in which Mr. Justice Landreville had alleged before in earlier proceedings, under oath, that he had sent written orders for the NONG stock to Continental in July 1956, when in fact, Commissioner Rand finds, Continental did not get into the distributing picture until sometime in December, 1956.

At page 36, gentlemen, approximately three quarters of the page down, Commissioner Rand notes what Mr. Justice Landreville's counsel himself, Mr. Robinette, termed the "cloak and dagger" operation with respect to the steps taken to keep Mr. Justice Landreville's name off the books of Northern Ontario Natural Gas. Mr. Rand passes judgment on this operation.

At page 37, Commissioner Rand, after reviewing the evidence on this particular point, comes to the conclusion that Mr. Justice Landreville, up to February 12th, 1957, could only have dealt with Mr. Ralph Farris, and no one else, with respect to the 7,500 shares which were delivered to him, which he received in the mail, on or about the 12th of February, 1957.

I go on to page 38, and I draw your attention to the top of the page, where the Commissioner reviews Mr. Justice Landreville's evidence that he had ordered the shares through Continental, which he finds, was negated by the absence of any accounting of price or broker's fees in respect of the charges.

In the middle of page 38, Commissioner Rand refers to this attempted facade as between Northern Ontario Natural Gas and Continental, and he draws inferences from this facade.

At the top of page 39, Mr. Commissioner Rand, exercising his responsibility of assessing the credibility of Mr. Justice Landreville before him, which is the function of any trial judge, reviews the evidence of Mr. Justice

Landreville, and comes to the conclusion that Mr. Justice Landreville was attempting on divers occasions to divert the line of inquiry. These citations go on until page 45. However, in between references to evidence given by Mr. Justice Landreville in other proceedings, Commissioner Rand refers, three quarters of the way down page 43, to this, and I quote "competition of memory" as between Mr. McGraw and Mr. Justice Landreville.

In the middle of page 45, to the end of the first paragraph of page 47, Commissioner Rand reviews Mr. Justice Landreville's evidence before his own inquiry, as well as in other anterior proceedings, and he considers it reprehensible.

May I now draw your attention to the bottom of page 48 and to the top of page 49, where Mr. Commissioner Rand concludes that Justice Landreville gave evidence representing a fact without regard to or belief in its truth; that is, that Farris and not Continental, was the medium. This is a finding of fact made by the Commissioner.

On page 53, you, in your deliberations, will wish to note the suggestion of Mr. Justice Landreville, noted by Commissioner Rand, that he and Mr. Farris were enemies at the time; that is, in the spring of 1956. He concludes this paragraph at the bottom of page 53, by saying:

The words used in the interview were undoubtedly extravagance, to which the Justice was inclined.

I suggest to you that this is the prerogative of any trial judge, of a Commissioner, in determining the credibility of a witness.

At the bottom of page 54, and at the top of page 55, again as part of the *ratio decidendi* of his report, Commissioner Rand comments on the veracity of Landreville J., in his testimony. It is for you to assess this *ratio decidendi* in your deliberations.

In the first full paragraph to be found on page 56, Mr. Commissioner Rand deals with the demeanour of a witness. Here again, I suggest to you that this was entirely within the purview of the Commissioner.

In the middle of page 57, the Commissioner notes that in his opinion Mr. Justice Landreville was a party to a deception. In so doing, he reviews the evidence of Mr. Clark before the Securities Commission, where the letter of July 20, from NONG to Mayor Landreville, was in issue.



At the top, gentlemen, of page 61, after having reviewed evidence given by Mr. Justice Landreville before, in different proceedings, Commissioner Rand notes changes in certain important dates made by Mr. Justice Landreville at different hearings.

At the bottom of page 64, and at the top of page 65, Commissioner Rand examines Mr. Justice Landreville's mind with respect to the judge's sense of duty.

From the top of page 65 to the bottom of page 66, Commissioner Rand reviews the episodes which occurred between NONG and Mayor Landreville, subsequently Justice Landreville, during the summer and fall of 1956, and he views it as part fiction and part fact.

On page 67, three quarters of the way down, Mr. Commissioner Rand's view of whether Landreville J. wrote to Continental in July 1956, and ordered stock of NONG, is assessed. He concludes:

There is not the slightest doubt that no such letter was ever written by Justice Landreville to Continental.

In your deliberations, gentlemen, you will wish to refer to the top of page 68, where Commissioner Rand subscribes to what he terms, this prevailing air of secrecy, which was so described, in fact, by Mr. Justice Landreville's counsel himself.

On page 70, three fifths of the way down this page to the top of page 71, basing himself on the evidence before him, basing himself, in fact, on evidence given by Mr. Justice Landreville himself, Commissioner Rand notes that His Lordship is not adverse from untruths.

I suggest to you, gentlemen, that up to this point, Commissioner Rand has dealt specifically with the facts and evidence, and with little deviation therefrom. He then goes on to say—I refer you back to the top of page 69—that:

● (4.30 p.m.)

That means that an originally corrupt agreement between Farris and Justice Landreville to bargain shares for influence is not to be found to be established; the presumption arises that there was no such agreement.

He adds that behind the external facts there is hidden the accompanying understanding and in the course of this further

examination he will determine whether what took place constitutes other than a crime or represents a violation of the standard of conduct to be observed by a supreme court judge. However he also adds, that when considering whether other violations occurred, that is other than crimes, "personal relations become significant".

At page 90, as I pointed out earlier, he discounts misbehaviour in the discharge of judicial duty, and says the inquiry should therefore go to "conduct outside that function".

May I refer, you now, gentlemen, to the bottom of page 73, and the inference drawn by Commissioner Rand from the reference in Mr. Landreville's letter to Mr. Farris of May 3, 1956, which is reproduced on that page. He infers that the object of this action was not legitimate. I leave it to you to decide in your deliberations whether or not he was right in coming to such a conclusion.

On page 75 of his report, Mr. Commissioner Rand notes the failure of Mr. Justice Landreville to attend the 1958 investigation conducted by the Ontario Securities Commission, and which was directed *inter alia* to discover the names of the clients on whose behalf Continental applied to NONG for 14,000 shares. As you will recall, Mr. Farris said he did not know for whose clients these were ordered and he was later convicted of perjury. In 1958, it should be pointed out that Mr. Justice Landreville's name had not been raised and that it was not until the investigation in British Columbia that his name was discovered.

You will wish to consider whether or not the reasons given by Mr. Justice Landreville to Commissioner Rand as to why he did not appear voluntarily in 1958 before the Securities Commission are valid. Mr. Commissioner Rand comes to the conclusion that this was extraordinary behaviour and that its implications are serious.

At the top of page 77, Mr. Commissioner Rand concludes, in one instance, that Landreville, J. is not a person to hesitate to serve his own interests.

On page 78, the first full paragraph thereof, Commissioner Rand notes the devious steps taken to keep Mr. Justice Landreville's name clear of the NONG records, and indicates that the parties involved, in his opinion, that is, Mr. Justice Landreville and Mr. Farris, viewed the involvement of a municipal and,



later, judicial office of Mr. Justice Landreville with apprehension. He points out, and it is of record, that Mr. Justice Landreville was sworn as judge of the Supreme Court of Ontario on October 12, 1956.

May I draw your attention to the bottom of page 79, and the top of page 80, that whole paragraph, which can be summed up, in my opinion, as the Commissioner's prerogative in assessing the credibility of the witness, Mr. Justice Landreville.

At the top of page 81, gentlemen, you will note in your deliberation, I am certain, that Commissioner Rand comes to the conclusion that on vital items there is on the part of Mr. Justice Landreville failure of memory. In the unimportant there is a quick and clear recollection. Here, again, I submit that this is entirely within the purview of a Commissioner in assessing the credibility of a witness who has testified before him.

In the middle of page 81, Commissioner Rand speaks of a rumor of implication of Mr. Justice Landreville in 1958, and he comes to the conclusion that this should have prompted a Supreme Court judge to offer and give full disclosure. You will note the testimony of Mr. Justice Landreville, as I said earlier, as to why in his position he did not feel that he should succumb to mere rumors.

If you would like, gentlemen, now, to turn to the top of page 83, you will find that Commissioner Rand considers the episode, as stated by Mr. Justice Landreville during the 1962 Ontario Securities Commission hearings, to be adulterated by fictions.

In the middle of page 83, Commissioner Rand reviews certain evidence which suggests to him that close relations developed between Farris and Mayor Landreville, as he then was.

From the top of page 86 to the middle of page 87 Commissioner Rand recapitulates, leading to his own conclusion that a prima facie case had been established warranting placing Mr. Justice Landreville on his defence; otherwise judgment would go against him.

In the middle of page 87, he further assesses Mr. Justice Landreville as a witness. This is the paragraph which begins as follows: "The Justice, a Crown witness in the perjury prosecution, exemplified another characteristic, readiness to acquiesce with

intimations of vagueness in qualification to the extent of nullifying what had previously been given in dogmatic terms.

And he gives what in his opinion constitutes an example of this assessment. There is a further such assessment, gentlemen, of Mr. Justice Landreville as a witness by Commissioner Rand in the first paragraph of page 90. At this point Commissioner Rand states that what is to be examined is firstly, the matters surrounding the negotiations for acceptance of 7,500 shares of stock following the granting of the gas franchise by Sudbury, but then, secondly, to examine the conduct thereafter in relation to the investigation of that acquisition; that is, Mr. Justice Landreville's performance during all of the occasions when he was interviewed and examined as a witness. At first blush it appears that Commissioner Rand places himself outside the terms of reference, in my opinion, as these occasions are not directly related to dealings, and I refer you to the terms of reference—dealings with Northern Ontario Natural Gas. However, these occasions were made exhibits of the Commission and formed part of its record and you may come to the conclusion that they concern the same events which were involved in the inquiry before Commissioner Rand. The questions posed at this point are generally the same questions posed during the inquiry and form part of the body of material surrounding the "dealings".

These are, first paragraph of page 91, where Commissioner Rand reviews events leading to the acquisition of shares and concludes that they bear a deep suspicion of impropriety; words that you find again in his first conclusion.

Then from the bottom of page 91 to the top of page 95, Commissioner Rand assesses the remarks made by Mr. Justice Landreville in the correspondence which was filed as exhibits before his Commission. In my opinion these letters certainly form part of the *res gestae* and were the subject matter of scrutiny.

Is it necessary for me to note that at the top of page 95 the Commissioner remarks that the resolution of the Benchers of the Law Society of Upper Canada did not play a part in concluding in the manner that he did. As I pointed out this morning, Mr. Robinette, during his argument—I think it would probably be useful to refer to it specifically again since Mr. Justice Landreville was not with us at

that point—I referred this morning to page 1327 of the evidence. The Commissioner asks a question of Mr. Robinette as follows:

I have it on vested authority that, so far as the law society is concerned, it is a matter of indifference whether the Ministered or whether this Commission should make it available, as you might say, as an attachment to its proceedings. I don't think it makes any difference—

And Mr. Robinette, counsel for Mr. Justice Landreville answered

No, I wouldn't think it made any difference at all.

In the middle of page 95, gentlemen, you will note that Commissioner Rand finds that Mr. Justice Landreville's conduct is a breach of his duty, and I quote,

For a judge in his private capacity so to impede and defeat those processes is a grave dereliction, a gross infraction of the canons of conduct governing him.

And finally at pages 107 and 108 you will find the formal conclusions of Commissioner Rand which we reviewed earlier.

May I end this brief precis, gentlemen, by pointing out to you what in my opinion represents in the report of Commissioner Rand mere *obiter dicta* or, as I said earlier, irrelevancies. In my submission, and I certainly leave it for your final evaluation, I consider that the whole of Mr. Commissioner Rand's report from the middle of page 69 to the middle of page 71 constitutes *obiter*. It includes an assessment of Mr. Justice Landreville's credibility which is based on corollary matters and at page 71 you will see some flagrant examples of *obiter* which do not in my opinion bear repeating. Unfortunately, some of these have been the most publicized remarks of the report.

At pages 83 and 84, Commissioner Rand refers to a letter from Mr. Justice Landreville to Mr. Farris in August, 1956, where reference is made to the City Engineer for Sudbury. In my search I could not see where this letter had been made an exhibit.

On pages 36 and 83, Commissioner Rand has referred to the evidence of Mr. Farris during the 1958 Ontario Securities Inquiry and this, according to my research, does not seem to have been made an exhibit, but the name Farris is intricately woven into all of the "dealings".

In the event that the proper view to be taken is that all earlier testimony which dealt with earlier investigations into the same dealings referred to in the Order-in-Council should be considered and commented upon by Commissioner Rand, I submit that the above *obiter dicta* are the only examples of digression on the part of the Commissioner.

● (4:45 p.m.)

However, in the event that the proper view to be taken, the proper view you will take, is that only evidence which the Commissioner should consider for purposes of his report is evidence taken during this inquiry, then some of the report is outside the terms of reference because some extracts of evidence referred to come from other than the evidence taken during the inquiry.

Gentlemen, I am available if you should like to ask me questions. I offer these brief comments for your assistance in reaching a conclusion.

**The Joint Chairman Mr. Laflamme:** Would it meet the approval of most of the members if we adjourn for ten minutes? I think it would give our confrere a chance to relax before we start questioning or pointing out some of the aspects of the brief presented. This meeting is adjourned for ten minutes, until five o'clock.

● (5:00 p.m.)

**The Joint Chairman Mr. Laflamme:** Gentlemen, after consultation with my Co-chairman, Senator Lang, I wonder whether, when questioning either our counsel or ourselves as to the recommendations that could be made—we leave the matter with you—we should consider the propriety of sitting in camera.

**Senator Cook:** I think it is desirable to sit in camera, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** Well, I am securing your views or opinions on it.

**Mr. McQuaid:** Mr. Chairman, I do not like in camera proceedings unless there is some good reason for them. Why do you suggest this, or why do you raise this point?

**The Joint Chairman Mr. Laflamme:** Well—

**The Joint Chairman Senator Lang:** It seemed to me in deliberating amongst ourselves the interplay of opinions would probably be clearer in an in camera situation than



otherwise, and by analogy a tribunal, after having heard the evidence, does deliberate in camera.

**Mr. McQuaid:** Well, I would have no objection to that but we have not completed the evidence yet. We have completed the statement of summary by counsel, but I cannot go along with the idea that the evidence is completed. We have a chance to examine the witness, have we not?

**Mr. Tolmie:** This is the whole point; we have no witness. These are counsel.

**Mr. McQuaid:** Yes; but we have a chance to question counsel on the summary.

**The Joint Chairman Senator Lang:** Would it be your pleasure to do that now while it is fresh in your memory? I do not think there is any necessity for being in camera for that.

**Mr. McQuaid:** Oh no, no.

**Mr. Cashin:** I was going to say, Mr. Chairman, that when committees in the past actually get around to writing their report, at that point, the last meeting, and so on, of a committee is held in camera, so there is precedent for that. But, I agree with Mr. McQuaid that if there are questions of counsel they should be cleared up first and done in a public hearing.

**Mr. McCleave:** I think, also, we are in the position where we probably should not have our counsel with us in camera when we meet on our deliberations any more than we would have Justice Landreville there.

**Mr. Cashin:** I agree.

**The Joint Chairman Mr. Laflamme:** Well, if you have any questions to ask on the brief presented by your counsel, I would like members to signify either to Senator Lang or to myself in proper order, so we may call names in a regular way. Mr. McCleave?

**Mr. McCleave:** I have one question. Our counsel has read over, I take it, the reports of the six other tribunals, including Mr. Justice Rand's report.

**Mr. Fortier:** I have read all of the evidence adduced before Commissioner Rand, where that evidence included excerpts from evidence given by Mr. Justice Landreville or Mr. Farris in other proceedings, then I have read them, yes.

**Mr. McCleave:** You have given us a good guide to the Rand report, but in your reading, Mr. Fortier, did you find at any time evidence that was favourable to Mr. Justice Landreville which does not seem to have been considered in Mr. Justice Rand's Report. I will begin, initially, with documentary evidence, a letter of any kind, something of that nature.

**Mr. Fortier:** In my opinion, I did not come across any documentary evidence favourable to Mr. Justice Landreville which was not taken into consideration by Mr. Justice Rand. On the other hand, I would like to qualify this statement to this extent. The interpretation given by Commissioner Rand to some of the documentary evidence on occasion was not as favourable as it could have been. But still the documentary evidence, in my opinion, was in total taken into consideration.

Let me give you an example, of this, if I may? There is one particular example. I hope you will bear with me; it may take me a few seconds to come across it. I am thinking right now of a letter from Mr. Farris to the Hon. Mr. Justice Landreville following receipt by Mr. Farris of a letter from Mr. Landreville saying, "I have just come back from Mexico".

**Mr. McCleave:** At page 84.

**Mr. Fortier:** Thank you, page 84. This is after Mr. Farris had been fined a nominal sum of \$50 or \$100, I believe, by the Ontario Securities Commission and Mr. Landreville who had been away, I believe, in Mexico, came back and he wrote Mr. Farris as follows:

On my return from Mexico, the first news that come to me in the Press concern the imposition of the fine. Of course now that you are an ex-convict and because of my loughy (sic) position, I will not be able to publicly appear with you!!!!.

Now, I underline purposely the word "publicly" because in his reply Mr. Farris said:

I hope to be in Toronto on the 27th or 28th of January and I would like the opportunity to 'phone you so that we can meet "privately".

Now, Mr. Justice Landreville in his testimony before the inquiry, before Mr. Justice Rand, gave what, in my opinion, although I did not have the distinct advantage of hearing the testimony, was a very plausible examination of why this word privately was used. He

said this was just done facetiously. It was a plaisanterie, because in his letter he had said "now that you are a convict I will not be able to be seen with you publicly."

**Mr. McCleave:** And the word "privately" is in quotation marks which would lend some weight to his argument.

**Mr. Fortier:** Exactly, but Mr. Rand did not retain that favourable interpretation. That is one instance.

**Dr. Maurice Ollivier (Parliamentary Counsel):** Is that not what you refer to as an *obiter dicta* though. I mean another *ratio decidendi*.

**Mr. Fortier:** I did point out in my earlier comment that in my opinion this exchange of letters had nothing to do with the case at hand.

**Mr. McCleave:** Now, the other part of the question relates to evidence given live by witnesses and not documentary evidence. Was there any of that you came across which appeared to be favourable to Mr. Justice Landreville which was not considered? Mr. Chairman I am in the position of having to ask our counsel this because apparently I cannot ask it of the party most directly concerned.

**Mr. Fortier:** This, in my opinion, is the sort of explanation which I would have hoped your Committee would have heard Mr. Justice Landreville on because what, in his opinion, was advantageous, what, in his opinion, constituted evidence which went to whiten, and what, in your opinion or in my opinion, from a mere reading of the transcription constitutes such evidence and what, in Mr. Commissioner Rand's opinion constitutes such evidence. We can have four different points of view. In my opinion there is no material or relevant testimony favourable to His Lordship which has not been taken into consideration by Commissioner Rand.

● (5.15 p.m.)

**Mr. McCleave:** Now, there are references to Judge Cooper and others on certain pages, and this was whether the facts were well known that Mr. Justice Landreville had acquired shares in NONG. This type of witness might very well be asked in an aside as to an assessment of the character of Mr. Justice Landreville. That is, were there any character witnesses or questions as to the Judge's character in the evidence that you perused?

**Mr. Fortier:** To the first part of your question, unequivocally all these persons who testified in Sudbury on whether or not they were aware that Mr. Justice Landreville had been given this—I use the term loosely—option, all of them testified that they had not. I have no hesitation in answering you in this respect. What is your second question?

**Mr. McCleave:** The second one was whether they had made favourable references to his character? This is the whole.

**Mr. Fortier:** I would say this: Many of these witnesses, especially those who had been on the municipal council with Mr. Justice Landreville, gave very favourable testimony as to his character. Some of it was retained by Commissioner Rand and some of it was not mentioned, but quite definitely there is this sort of evidence, quite definitely.

**Mr. McCleave:** Thank you very much.

**The Joint Chairman Mr. Laflamme:** Mr. McQuaid, have you a question?

**Mr. McQuaid:** I have some questions Mr. Chairman, but I find them very difficult to direct to the witness, because I do not think he could be expected to answer them. One thing I would like to know, if the witness knows—

**Mr. Fortier:** I resent the use of the word "witness". I would not like it to be thought that I am here as a witness. What I have tried to do earlier, in what I consider to be my function as counsel to this Committee, is to assist you in reaching a decision, not in testifying.

**Mr. McQuaid:** Do you know what is meant at the top of page 21 of the Rand Report when it refers to the "final order"? What is this final order, do you know?

**Mr. Fortier:** I stand to be corrected, but if my memory serves me right, this is the final order of the fuel board. I do not want to look to Mr. Justice Landreville for approval, but I think he has signified that I am right. This is the final order of the fuel board which followed the third reading of the franchise by-law in Sudbury.

**Mr. McQuaid:** There would never be very much question but that that final order would be passed by the fuel board?



**Mr. Fortier:** In my opinion, there could be no question of that. Mr. Justice Landreville pointed it out in his testimony before Commissioner Rand, and Commissioner Rand himself I think acknowledged it in his report. This final order was a mere formality, all the more so, since the witnesses had been heard long before. The Northern Ontario Natural Gas witnesses had been heard on June 21, 1956, and the right to cross-examine those witnesses was suspended until such time as third reading of the bylaw was given. It was expected at the time that a third reading would be given prior to June 21, but because of certain matters, such as a letter from the City Solicitor, Mr. Kelly, to all members of the council, third reading was postponed until July 17. After third reading was given, there was a continuation of the hearing before the fuel board and the order was granted, the convenience and necessity and the approval of the franchise.

**Mr. McQuaid:** But the implication runs through the whole report that the Justice was given these for the influence he could exert in getting this franchise. Is that not correct?

**Mr. Fortier:** The way I assessed the report I did not think that this was the main consideration. I am just giving you an opinion, and I hope you appreciate this; I felt that it was not so much the giving of the shares—to use your own expression—was not so much to facilitate the passing of the franchise bylaw in the opinion of Commissioner Rand, as to reward to thank the then mayor for the passing of the bylaw. In other words, the accent was put more on the “thank you” than on the “please help me”.

**Mr. McQuaid:** This is a pretty fine line. The “please help me” would have to be there before the “thank you”.

**Mr. Fortier:** It is certainly quite evident from Commissioner Rand's report that he believes that it was there.

**Mr. McQuaid:** But the thing I wondered about was the letter actually advising the Justice that the shares were going to be allotted to him, was not written until after the bylaw had been passed. I think it was three days after the third reading of the bylaw and two days after the date of the agreement and even the day itself that the franchise agreement was signed.

**Mr. Fortier:** That is correct.

**Mr. McQuaid:** So there is no evidence that the Justice was offered anything by way of inducement prior to the passing of the bylaw, and so forth?

**Mr. Fortier:** Definitely not, but there are inferences drawn by Commissioner Rand to that effect, but in my opinion, there is certainly no tangible documentary or verbal evidence of that.

**The Joint Chairman Mr. Laflamme:** Do you have further questions, Mr. McQuaid.

**Mr. McQuaid:** Just a moment, Mr. Chairman. I think that is all, Mr. Chairman.

**Mr. Tolmie:** I have a few general questions of counsel. I think we all realize the apparent danger of one man, no matter how eminent, judging a judge. I think we are all very much aware of the need for the independence of the judiciary being upheld. This is why I think we are sitting here. In essence we are reviewing his conclusions, basically.

Now, you have studied the report perhaps much better than the members themselves. You have gone through it, you have divided the report, so we could absorb the contents much more readily.

**The Joint Chairman Mr. Laflamme:** Would you bring your microphone closer to you.

**Mr. Tolmie:** My observation is this: You have mentioned the rationale of the report, which I think of course, is very important, but you also have mentioned *obiter dicta* which I think is equally important. In a sense, by his *obiter* he has—that is Justice Rand—made some very unflattering comments concerning the character, general disposition and attitude of Justice Landreville. He states for example:

His emotions are active and he can be highly expansive;

Frankly I do not see anything wrong with that.

—he is fascinated by the glitter of success and material well-being.

**Mr. Fortier:** Where are you reading from, sir?

**Mr. Tolmie:** I am reading from page 70.

His outlook is indicated by a residence in Mexico, as well as a lodge some miles from Sudbury.

I believe this to be completely irrelevant, and I think most of us are perhaps fascinated by the glitter of success.



**Mr. Fortier:** I hope it would not influence your deliberations.

**Mr. Tolmie:** No, except to this extent. When you have perused this entire document, would this *obiter* and perhaps other shades of opinion in the document reveal to you an attitude which perhaps is not common to most men? In other words, could it be suggested that Justice Rand himself perhaps has a stricter code, or a stricter sense of morals, and perhaps is not as worldly as most men? In this sense, could it not be considered that perhaps his attitude, as far as material things are concerned, as far as deportment is concerned, is on a much higher plane than the ordinary mortal? I may be putting it very strongly, but if this is so, and he has this elevated sense of justice, is it not possible that it is reflected in his interpretations of various instances and various episodes that have been revealed in this report?

**Mr. Fortier:** This is a very difficult question to answer. You are asking me to substitute my—to enter into the mind of Commissioner Rand, which I would never pretend to do. As I said earlier, I trust these considerations should not influence your deliberations.

On the other hand, while you are on that plane, it may be of interest, and it is certainly much more material than relevant, to refer in the report to Commissioner Rand's frame of mind when he assesses the role of the judiciary. I think this was much more pertinent in helping him come to the conclusion to which he came, than the fact that his code of ethics, let us say, may have been on a higher plane than that of your humble servant or Mr. Justice Landreville. This is what I, as I read through the report, and the evidence, retained; his assessment of the role of a judge more so than his like or dislike of worldly things. I would not like to embark on this type of dissertation, really.

**Mr. Cashin:** I think our counsel has answered Mr. Tolmie well and wisely on that point, but I have a feeling or some sense of the same point which Mr. Tolmie has raised. I would take issue on the suggestion that the issue was due to a different code of ethics. This is one of the somewhat different outlooks on life generally that I think is reflected. For example, the *obiter* that Mr. McCleave questioned about, the letter. There was an element, if you will, of frivolity, in the Justice's letter that might tickle someone's fancy and shock someone else. But that

really did not go to the material issue of ethics, it is one of *modus vivendi* or personality traits, and again on page 69 and 70, when Mr. Rand engaged in that long and not terribly relevant comment. There are comments there that I think reflect this sort of different outlook on life which does not necessarily suggest that an individual with that outlook has a higher code of ethics or a higher degree of morality than somebody who has time for a more frivolous approach to life.

● (5.30 p.m.)

**The Joint Chairman Mr. Laflamme:** Do you have some other questions?

**Mr. Fortier:** I am sorry. I do not see that I can answer your question any fuller.

**Mr. Tolmie:** I think you answered the question admirably because it is a difficult question to answer. I think it should be brought up in fairness to the Committee. I would like to have a chance perhaps later on to ask some specific questions on the material involved.

**The Joint Chairman Mr. Laflamme:** Does any other member have questions he would like to ask?

**Mr. Cashin:** Counsel quoted from the evidence of Mr. Justice Landreville—he gave us a citation on it. It said that his innocence must be subjected to the severest test. I wonder if you could give me that citation again because I think it might be helpful if we did have an opportunity to look over the testimony of Mr. Justice Landreville at that time.

**Mr. Fortier:** Yes. It is at page 1,253. I am sure that Mr. Justice Landreville must have been very tired at that point; he had been on the stand for two full days answering questions from Mr. Morrow, the Commission counsel and his own counsel, Mr. Robinette, and he said to the Commissioner:

In having asked for a Commission I say that is is not a matter of defending myself against an accusation of crime or a breach of ethics; I am here to prove my innocence,—

Of course, as members of the Committee will immediately note, Mr. Justice Landreville set himself a task which no accused in this country is ever called upon to meet. An accused in this country walks into a court room presumed innocent until found guilty. Under the French system, as you know, it is the opposite. Mr. Justice Landreville, possibly

because of his French background, which I share with him decided that in asking for the Commission, which resulted in Mr. Rand, a former Justice of the Supreme Court, being appointed, he sought to prove his innocence. He further states:

—as I feel that this is my duty, and I want to be judged by the severest test, because I have lived, as I believe, by the severest test.

Some members of the Committee may be of the opinion that Commissioner Rand's test was a very severe one.

**The Joint Chairman Mr. Laflamme:** Mr. Cashin, do you have any other questions.

**Mr. Cashin:** No. I just would like to have an opportunity to read that testimony on page 1,253.

**Senator McDonald:** Mr. Chairman, on this point, there is a submission by our counsel. When will that be available to us? While admirable as it was, it was rather difficult to keep in mind.

**The Joint Chairman Mr. Laflamme:** I think it has already been decided by the Committee that we would not print the whole transcript, but if the Committee desires to change its mind on it, and if you have the opportunity of reading it, and having a copy at hand, then I am in the hands of the Committee.

**Mr. Bell (Carleton):** Senator McDonald was referring to the transcript of today's proceedings and how soon it will be available.

**Mr. Fortier:** My notes which are not in condition for being circulated at this point could be in the hands of the Clerk of the Committee by Monday at the latest. By that time you will probably have the transcript, anyway.

**Mr. Bell (Carleton):** Mr. Chairman, we should see now we can expedite the transcript of today's proceedings.

**The Joint Chairman Mr. Laflamme:** The Clerk is going in the room behind us to see about the transcript and he will let us know by Monday the latest time the transcript will be ready.

**Senator McDonald:** It might very well be that after reading it over some other questions will occur to us that we might like to ask our counsel.

**Mr. Fortier:** I will be available, sir.

**Mr. McCleave:** Mr. Chairman, while we are dealing with this point about the proceedings would it be possible to have some place set aside for the next couple of days in either the West Block or the Centre Block where all the evidence before the Commission could be available so members could go in and read it over. I realize there are obviously about one dozen volumes and I think there are a fair number of members.

**The Joint Chairman Mr. Laflamme:** The transcript?

**Mr. McCleave:** We should have that available to us in some convenient place where we can sit down and study it quietly; not only the report here but the—

**The Joint Chairman Mr. Laflamme:** It is in the office of our Clerk, Mr. Despatie, on the fourth floor of the West Block. It is at the disposal of any member who wishes to look at it.

**Mr. Tolmie:** Mr. Chairman, if we are to sit tonight we perhaps should reconsider. There is not much point is sitting unless we have available the brief as outlined by our counsel.

**The Joint Chairman Mr. Laflamme:** It is up to the members to decide whether we shall resume our sittings tonight or hold them at a later date. Does any member have any questions to ask either of Mr. Ollivier or of Mr. Fortier?

**Mr. Cashin:** We are discussing our proposed next sitting. Is that it?

**The Joint Chairman Mr. Laflamme:** It was a question raised by Mr. Tolmie which was to the effect whether it was appropriate to sit tonight—

**Mr. Cashin:** Mr. Chairman, may I say something? I am thinking aloud, but I think it is relevant. It seems to me—and there has been some comment on the test applied by Mr. Justice Rand in this report—that we ought to be giving consideration to the facts and come to some agreement in our own minds as to those facts which we can agree upon and to study and reflect upon the test which is a special test for a man in the position of Mr. Justice Landreville in this given set of circumstances. We can then come to our own conclusion whether on the basis of the facts as they have been established, to our knowledge, that the test, in fact, applied was an acceptable one and was a fair one or was the contrary. That seems to me to be the issue



before the Committee, so that unless there is a desire or an opportunity to hear comment from other witnesses, it seems to me that perhaps we should get on with that job.

**The Joint Chairman Mr. Laflamme:** Is there any member who wishes to make comments at the present?

**Mr. Patterson:** Mr. Chairman, I wonder if it would be to any advantage to continue to-night in view of the questions that have been raised and the need for giving some thought to the statement that has been made by our counsel. Even though we might not remember it all he certainly gave a lot of references that we would like time to study. I would suggest that it might be desirable to postpone any further hearings until the beginning of the week.

**Mr. Bell (Carleton):** Do you have any information on when today's proceedings could be ready.

**The Joint Chairman Mr. Laflamme:** The transcript will be available tomorrow but the printing will not be ready until Monday.

**Mr. Bell (Carleton):** Will it be as soon as that?

**The Joint Chairman Mr. Laflamme:** Yes. They are working hard to have it available to the members as soon as they can. The transcript of today's evidence will be available to the members tomorrow.

**Mr. Bell (Carleton):** In the circumstances, if we could have it tomorrow and the oppor-

tunity to study it on the week end I think there might be some advantage in our adjourning until Monday night at 8 o'clock at which time I might suggest we sit in camera.

**The Joint Chairman Mr. Laflamme:** I appreciate your suggestion but I would ask now that you do me a favour because on Monday night I will not be available. I think Tuesday morning at 9.30 might be the best time.

**Mr. McCleave:** Mr. Chairman, could I just suggest that we open it as a public meeting in case our week end studies do lead us to make suggestions that should properly be part of the public record. I think we should only go in camera if we are getting down to our own decisions—with all due respect to Mr. Bell.

**Mr. Bell (Carleton):** Only when we are ready to prepare our report.

**The Joint Chairman Mr. Laflamme:** Yes.

**Senator Cook:** I wonder if we are not rushing it by having a meeting on Tuesday morning. Are you sure we have all the material available? It would be a pity to have the meeting without having everything before us. Are you sure it will be available?

**The Joint Chairman Mr. Laflamme:** Yes, we will have it at the latest by Monday. I think it is the consensus of the members to adjourn until Tuesday at 9.30 a.m. Is it agreed.

**Some hon. Members:** Agreed.

**The Joint Chairman:** I will have three meetings on Tuesday.

Mr. Chairman, Mr. Chairman, may I say something? I am thinking about it. I think it is relevant. It seems to me—and there has been some comment on the fact that the Mr. Justice Bell in this report that we ought to be given consideration in the form and come to some statement in our own words as to those facts which we can agree upon and to study and reflect upon the fact which is a special test for a man in the position of Mr. Justice Landreville in this given set of circumstances. We can then come from our own conclusion whether or not the facts as they have been established in our proceedings that the fact in fact applied was an appropriate one and was a fair one in view of the circumstances that seem to me to be the

away  
Mr. Bell (Carleton): Mr. Chairman, we should see now we can expedite the transcript of today's proceedings.  
The Joint Chairman Mr. Laflamme: The Clerk is going in the room behind us to see about the transcript and he will let us know by Monday the latest time the transcript will be ready.  
Senator McDonald: It might very well be that after reading it over some other items will occur to me that we might like to add and correct.  
Mr. Bell (Carleton): I will be available at



## APPENDIX "A"

(Letter from the Counsel to the Committee,  
to Mr. David G. Humphrey, Q.C.)

February 15, 1967

David G. Humphrey Q.C., Esq.,  
Humphrey, Locke Ass.,  
3 Sultan Street,  
Toronto, Ontario

Dear Mr. Humphrey:

re: Select Joint Committee

Mr. Justice Leo Landreville

I wish to thank you for having accepted to travel to Ottawa and meet yesterday morning with Mr. Ovide Laflamme and Senator Lang, Co-Chairmen of the Special Joint Committee respecting your client Mr. Justice Landreville, and myself, counsel to the Committee. It was noted that you had requested such a meeting in your letter dated January 5th and addressed to the Honourable Lucien Cardin, Minister of Justice.

As indicated during our conference, the Committee has decided to sit on Monday, February 20th, at 8:00 p.m. in Room 209 of the West Block, Parliament Buildings. You and your client have been invited to attend this and such other sittings as may be deemed necessary and useful by the Committee thereafter.

On November 21, 1966 a motion for the appointment of this Committee was passed by the House of Commons. It reads as follows:

"That a joint committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency for the removal of Mr. Justice Leo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions contained in the report of the Hon. Ivan G. Rand concerning the said Mr. Justice Leo Landreville, dated the 11th day of August, 1966 and tabled in the House of Commons on the 29th day of August 1966;

That 13 Members of the House of Commons, to be designated later, be members of the Joint Committee on the part of this House;

That the Committee have power to appoint, from among its members such sub-committees as may be deemed advisable or necessary; to call for persons, papers and records and to engage counsel, to sit while the House is sitting and to report from time to time;

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for its use and for the use of Parliament; and that Standing Order 66 of the House of Commons be suspended in relation thereto;

And that a message be sent to the Senate requesting that House to unite with this House for the above purpose and to select, if the Senate deems advisable, some of its Members to act on the proposed Joint Committee."

Having regard to those specific matters which have been committed to the Committee by this resolution of the House, the Co-Chairman requested yesterday that you advise them as soon as possible and, in any event, at the time of the next scheduled hearing, of the names of all witnesses who, in your opinion, should be heard by the Committee and of the general purport of their respective testimony. Mr. Justice Landreville, of course, will be heard by the Committee if he wishes to testify.

With respect to other witnesses, the Committee, upon application, will decide if they should be heard. Subject to approval by the Committee, these witnesses' reasonable travel and living expenses will be borne by it.

Yours very truly,

L. Yves Fortier.

## APPENDIX "B"

(Telegram from the Counsel to the Committee,  
to Mr. Justice Landreville)

House of Commons, Ottawa.

February 21, 1967.

Hon. Léo A. Landreville

10 Bonvenuto Place, Toronto

Please be advised that the Select Joint

Committee will reconvene at 9.30 a.m. on  
Thursday February 23rd at which time I will  
be submitting my argument to your statement  
made before the Committee on February 20  
last.

L. Yves Fortier,  
Counsel to the Committee

APPENDIX "C"

(Telegram from the Counsel to the Committee  
to Mr. David G. Humphrey, Q.C.)

House of Commons, Ottawa.  
February 21, 1967.

Mr. David G. Humphrey Q.C.  
3 Sultan street  
Toronto 5, Ont.

Following telegram has been sent to  
Justice Landreville QUOTE Please be advised

that the Select Joint Committee will recon-  
vene at 9.30 a.m. on Thursday February 23rd  
at which time I will be submitting my argu-  
ment to your statement made before the  
Committee on February 20 last. UNQUOTE

L. Yves Fortier,  
Counsel to the Committee



APPENDIX "C"

Following telegram has been sent to  
Justice Landreville QUOTE Please be advised  
I, Yves Fortier,  
Counsel to the Committee  
Mr. David G. Humphrey Q.C.  
3 Sultan street  
Toronto 5, Ont.  
I am writing to you to inform you that I have been advised by the  
Honourable Justice Landreville that he will be making a statement  
before the Committee on February 20 last. UNQUOTE

OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

Translated by the General Bureau for Trans-  
lation, Secretary of State.

LÉON-J. RAYMOND,  
The Clerk of the House.

OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translated by the General Bureau for Translation, Secretary of State.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



First Session—Twenty-Seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING  
**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang  
and  
Mr. Ovide Laflamme, M.P.

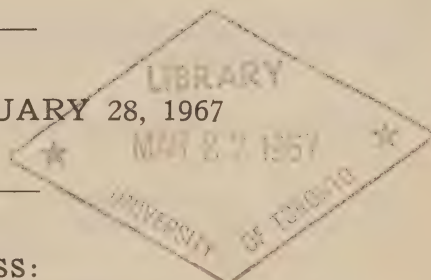
---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 3

---

TUESDAY, FEBRUARY 28, 1967

---



WITNESS:  
Mr. Justice Landreville.

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

The Honourable Senators

Cook,  
Fournier  
(*de Lanaudière*),  
Hnatyshyn,  
Langlois,  
Macdonald (*Cape Breton*).

*Representing the House of Commons:*

Mr. Bell (*Carleton*),  
Mr. Cashin,  
Mr. Fairweather,  
Mr. Gilbert,  
Mr. Goyer,  
Mr. Guay,

Mr. McCleave,  
Mr. McQuaid,  
Mr. Patterson,  
Mr. Stafford,  
Mr. Tolmie.

Fernand Despatie,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, February 28, 1967.

(6)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 9.40 a.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Macdonald (*Cape Breton*) (5).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie (11).

*Also present:* Messrs. Berger and Stanbury, Members of Parliament.

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

The Committee agreed to Mr. Justice Landreville's request to make a statement. He said: "I wish to disclose that at your convenience, and the convenience of this Committee, and subject to the objections already noted on the record, I will tender, under oath, my evidence, subject myself to the cross-examination of counsel and any member of this Committee, and call witness and produce documents to this Committee."

The Joint Chairman (Mr. Laflamme) pointed out that it had already been indicated that Mr. Justice Landreville would be allowed to testify before the Committee. The required Certificate was filed with the Joint Chairmen of the Committee.

The question of other possible witnesses was discussed and the House of Commons' Standing Order 69 (1) was read by the Joint Chairman (Mr. Laflamme).

The Clerk of the Committee administered the Oath to Mr. Justice Landreville.

Mr. Justice Landreville then addressed the Committee. He made an examination of and expressed opinions on matters related to the report of the Honourable Ivan C. Rand. He answered questions.

At 10.30 a.m., the Committee agreed to take a ten-minute recess.

On re-assembling, Mr. Justice Landreville resumed his presentation.

At 12.05 p.m., the Committee adjourned until 3.30 p.m. this day.



## AFTERNOON SITTING

(7)

The Committee resumed at 3.35 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*) (6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McQuaid, Patterson, Tolmie (10).

*Counsel present:* Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

Mr. Justice Landreville resumed his presentation. He answered questions.

At 4.45 p.m., the Committee agreed to take a ten-minute recess.

On re-assembling, Mr. Justice Landreville continued his presentation.

At 5.10 p.m., the House of Commons' division bells ringing, the Committee adjourned until 8.00 p.m. this day.

## EVENING SITTING

(8)

The Committee resumed at 8.05 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The same as at the afternoon sitting.

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Gilbert, Laflamme, McCleave, McQuaid, Patterson, Tolmie (8).

*Counsel present and In attendance:* The same as at the afternoon sitting.

Mr. Justice Landreville resumed his presentation. He answered questions.

At 9.30 p.m., the Committee adjourned until Wednesday, March 1, 1967.

Fernand Despatie,  
*Clerk of the Committee.*

## EVIDENCE

(Recorded by Electronic Apparatus)

**Tuesday February 28, 1967**

**The Joint Chairman Mr. Laflamme:** Gentlemen, I see a quorum.

I think we can start our deliberations. Last week—I do not remember precisely the name of the member—a member of this Committee raised the question of why when we are sitting in camera that we could not keep our counsel with us. I have tried to get information on that point, and there is nothing to prevent our counsel staying with us while we deliberate in camera.

I think references to the Rand Report as prepared by our counsel have been circulated. At the time of the adjournment last Thursday, some hon. members were asking questions of our counsel. I must, with my Co-Chairman, at present advise hon. members that the main purpose of the summary of the Rand Report was to draw hon. members attention to some parts of the report, and for that purpose only.

I would like to remind hon. members as well, even though I know very well our counsel will surely avoid it, to try to avoid asking questions in such a way that would seek his personal opinion. We may seek his opinion in certain matters but the conclusions which we reach, are to be our own. That is our personal duty, not the personal duty of our counsel.

I will ask members, if they have any other questions to ask our counsel, to signify their intentions?

**Mr. Justice Landreville:** May I advise you of my decision, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Of your decision, yes.

**Mr. Landreville:** I have made a decision since I last attended this meeting. May I speak on that very briefly?

**The Joint Chairman Mr. Laflamme:** Is it agreed?

**Senator Fournier (de Lanaudière):** If he has some remarks to make to the Committee, I am prepared to listen to the gentleman.

**The Joint Chairman Mr. Laflamme:** Is it agreed?

**Some hon. Members:** Agreed.

**Mr. Landreville:** I wish to disclose that at your convenience, and the convenience of this

Committee, and subject to the objections already noted on the record, I will tender, under oath, my evidence, subject myself to the cross-examination of counsel and any member of this Committee, and call witness and produce documents to this Committee.

**The Joint Chairman Mr. Laflamme:** We have, Mr. Justice Landreville, taken due notice, and I really think, without even consulting the members, it has already been agreed. We have asked many times if you had any witnesses, or if you wanted to appear yourself, that you would be allowed to testify before us. To continue in order, I think it would be appropriate now to ask members if they have any other questions to ask of our counsel with regard to brief analysis made of the Rand Report.

I take it that there are no other questions by members. I will ask Mr. Justice Landreville who the witnesses are that he wants to call before us? Do you have a list of those witnesses?

**Mr. Landreville:** Mr. Chairman, yes, I have a file—a list of witnesses—but at this time much of it will hinge on the nature of the cross-examination and those points which, to the members of the Committee, appear necessary to be clarified. First, Mr. Chairman, following your suggestion, I wish to tender myself as a witness.

**The Joint Chairman Mr. Laflamme:** Would you be ready to—

**Mr. McCleave:** I wonder if the judge could give a list of all the people whom he might wish to have called as witnesses. Perhaps some of them will be found to be unnecessary, and he would not be bound to bring in all these people.

**The Joint Chairman Mr. Laflamme:** This, Mr. McCleave, is what I wish to point out at this time. Standing Order 69, paragraph 1, reads as follows:

No witness shall be summoned to attend before any committee of the House unless a certificate shall first have been filed with the chairman of such committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important.

**The Joint Chairman Senator Lang:** What I think the Committee would like to hear, Mr. Landreville, are the names of the witnesses whom you propose to call, and generally the nature of the testimony that they might be called upon to give. I think in that way, the Committee could judge the necessity for calling the witnesses to comply with the Standing Order to which Mr. Chairman referred.

**Mr. Landreville:** May I intercede, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** My answer is indicated by the very objections that I raised the other night. If I were to face the charges that I am of the character which Mr. Rand describes in his report, and if this Committee believes, and indicates to me that that is material, then I will bring in character witnesses to describe my character, either on the bench, off the bench, as an ex-mayor, or as an ex-solicitor.

• (9.45 a.m.)

The Chairmen, on February 14, last, met with my counsel and we were quite frankly told that this Committee would call witnesses, at the expense of the crown, provided we disclosed to the Chairmen the names, the nature of the evidence, and then it would be ruled upon if that witness was necessary.

I am prepared to call witnesses on my own, at my own expense, in those areas where I feel that this Committee may not be satisfied as to the evidence that I propose to adduce. In short, we are going around in a circle until I know exactly what I am accused of, and in what field, then I do not know what witnesses to call.

**Senator Fournier (de Lanaudière):** Would you mind reading again your citation of Beauchesne?

**The Joint Chairman Mr. Laflamme:** It is not a citation of Beauchesne; it is Standing Order 69, paragraph 1, which states as follows:

No witness shall be summoned to attend before any committee of the House unless a certificate shall first have been filed with the chairman of such committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important.

**Senator Fournier (de Lanaudière):** I do not think that the preposition made by the hon.

gentleman is within the scope of that regulation. In my opinion, the hon. gentleman should tell us what he intends to prove with the testimony of his witnesses, and it will be up to us to make up our minds and decide whether we will call them. It will not be at the expense of the hon. gentleman, but it will be at the expense of the Committee.

**Mr. Bell (Carleton):** It is very clear that we are bound by the Standing Order; we cannot proceed otherwise. The Standing Order is clear; someone must file with the Chairman a certificate, and until that is done, no witnesses may appear before the Committee.

**Mr. L. Yves Fortier (Counsel):** Mr. Chairman, may I also point out to the hon. members, as well as to His Lordship, that in reaching the conclusion, which you did earlier this morning, that you had no more questions of clarification to ask of me, I believe you made it very clear that you were, barring any other decision by Mr. Justice Landreville, ready to deliberate. It seems to me now that if Mr. Justice Landreville—as has always been his privilege—wishes to adduce evidence, as we told his counsel on February 14, 1967, which would go towards contradicting statements of fact put down by Commissioner Rand in his report, or adding to the evidence which was adduced before Commissioner Rand during his inquiry, he is at liberty to do so.

**Mr. Landreville:** That has been my understanding, that I could call witnesses. I am surprised—and I have to abide by the Standing Order which you have read, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** I think, at present it should be very clearly pointed out, Mr. Justice Landreville, it is only fair, if you have any witnesses, that members of this Committee should know the purpose of calling them here to testify.

**Mr. Bell (Carleton):** I think it should be made clear that no one wants to put any impediment of any kind; we simply want to conform with the rule. If Mr. Justice Landreville will give the list, and the purpose of it, then—I am sure that the purpose is a legitimate one—I, for one, will sign a certificate to the Chairman. There is no suggestion of any kind to put any impediment in calling any witness who may have testimony that is relevant.

**An hon. Member:** That is right.



**Mr. Bell (Carleton):** We must simply conform with the Standing Orders of the House, by which we are unalterably governed.

**Mr. Landreville:** May I just underline again, the word used there was "relevant"; now that is the very issue. I do not know; for instance, Mr. Rand has called me "a roving mind". Must I bring a witness to show that I am, or I am not? He has given all the inferences of greed in me; must I call witnesses on that aspect of the character?

**Mr. McCleave:** Must not go over the points made on page 107? There are three conclusions that Mr. Justice Rand has reached, and I would think that would be the pith and substance of the whole case. It does not refer to roving minds or anything at all like that, or hedonist or the like.

**The Joint Chairman Mr. Laflamme:** This is at present one of the questions I would like to ask Mr. Justice Landreville. Are the witnesses you intend to call before us what we could call character witnesses?

**Mr. Landreville:** Do I intend to call character witnesses?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** I think, Mr. Chairman, with all due respect, I have made a declaration to you and this Committee that I wish to tender my evidence. If I am allowed the time to explain to you this case of Mr. Rand's, what are my so-called purchases of stock, or acquisitions of stock, or all the dealings in the city of Sudbury, I wish to relate these to the report and point them out to you.

In those areas where you still may not be satisfied, of course, witnesses may be required. By mutual agreement, I have a statement of what I may call uncontradicted facts based on the testimony, and those witnesses are not necessary, surely.

**Senator Cook:** Why can we not hear Mr. Justice Landreville first, and discuss witnesses afterwards?

**The Joint Chairman Mr. Laflamme:** That depends on whether he wants to testify.

**Mr. Landreville:** I do; I have indicated that. I would like to begin the proceedings in that way, and then we will know where we are going.

**The Joint Chairman Mr. Laflamme:** Are you ready to testify right away?

**Mr. Landreville:** I am ready to testify right away.

**The Joint Chairman Mr. Laflamme:** Then I think we should proceed.

**Mr. Landreville:** Mr. Chairman, as a favour to several members—it would be most inconvenient for them to turn around—may I, with regret, displace Mr. Ollivier from his end of the table?

MR. JUSTICE LEO A. LANDREVILLE

**The Clerk of the Committee:** Do you swear that the evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.

**Mr. Landreville:** I do.

Mr. Chairman, and gentlemen, I have just taken the oath, and it must be noted that I do not invoke here, nor have I ever invoked, the Evidence Act either of Canada or of Ontario.

As a preliminary, I wish to express my excuses. First of all, my excuses of Mr. Humphrey in his inability to be here this morning, and particularly that of Mr. Robinette, who wrote me a long letter, being on a case of several weeks, and he ends by saying: "On the other hand, I am quite prepared to attempt to find time to give you the benefit of advice if you want to confer with me at any time." Signed John J. Robinette.

Now, I may say that last Thursday, Mr. Chairman and gentlemen, being an observer here at that time I sensed the sincere desire of the members of the Committee present to ascertain the facts. It is obvious that each of you have not been provided with a copy of the transcript, and exhibits, upon which the Rand Report rests.

Your counsel has read the same, and he has answered your questions; he has made some fair comments; but I regret to say, with respectful submission, rather incomplete. Allow me to examine, just so as to pointedly show the importance of analysing this report.

I point out page 69 of your book. This was referred to you by Mr. Fortier. If you look at the top of the page, it reads:

That means that an originally corrupt agreement between Farris and Justice Landreville to bargain shares for influence is not to be found to be established; the presumption arises that there was no such agreement. Such a matter is a question of a state of mind;

Let us stop there, and I underline these words "a question of a state of mind". Obviously the learned Commissioner refers to the state of mind of Mr. Farris and myself at the relevant time. I ask you then to look in the middle of the page:

To these considerations personal relations become significant.

Then follows, in a page sequence, a description not only of our relations, but also of our respective characters. So, on this very page, when counsel respectfully submits to you that this is *obiter dicta*, it seems to me—and it may be arguable between yourselves whether it is or not, because when the commissioner said that personal relations become significant, then obviously it is far from *obiter dicta* but may very well be the *ratio decidendi*.

I refer you also, if you please, to page 91, which is a sequence, at the top:

The acquisition was the conclusion of relations—

That links, therefore, with what I have just said, and it goes on:

—which bear in their train a deep suspicion of impropriety. It is originally related to Justice Landreville as Mayor, as a reward for influence in bringing about the grant of the franchise or in hastening the grant...

This is my second example. Just let us stop there. The Commissioner appears to say, therefore, that it is related to a reward for influence in bringing about the grant of the franchise. In that respect—and we have the transcript here—I will propose, and I have synthesized the very basis of this subject matter, have I, in fact, according to any witness influenced that, that is the municipal council, controllers, any city official? Mr. Fortier read the evidence here, may deny if he wishes, but I affirm under oath, that I have read the transcript, 11 books, and there is not one witness of the municipality of Sudbury, alderman, controller, city official, who has said that he has been influenced. Is that correct, Mr. Fortier?

• (10.00 a.m.)

**Mr. Fortier:** That is absolutely correct, yes.

**Mr. Landreville:** That being established, quite to the contrary, they did say that I had no influence on them, several of them, in that respect, because the granting of the franchise to Northern Ontario Gas was a *fait accompli*

prior to that. This is only an example. My second example is at page 91:

...or in hastening the grant,...

If I did not bring about the granting of the franchise, I hastened it.

Now let us look at the same page, in the middle, on the right:

But the urgency in the spring of 1956 was real and the considerations focussed were weighty. They might be looked upon as in any event overriding any adverse influence of the Mayor...

I stop there. As I read this sentence, it means to me—and I submit it should mean to you—that outside factors absolutely foreign to any of my acts have hastened the passing of the franchise. Therefore, when we look at that sentence, in the light of the statement at the top of the page, I submit there is a clear contradiction. This, gentlemen, I am only pointing this, so to speak, to wet your appetite, to give me justice, and we will, and I will do all that I possibly can to point out to you the shrewd, skilful and cunning preparation of this report. Gentlemen, these are crucial facts. I will point out to you through the transcript that there were crucial facts, crucial finding of facts, "totally omitted in the Rand Report, by reading to you the testimony that we have here.

**Mr. Fortier:** Your Lordship, with respect to the paragraph, if I may, that you were just quoting from, would you mind reading it to the end. That is on page 91 and comment on the last sentence of Commissioner Rand.

**Mr. Landreville:** Mr. Chairman, I do not know how we are going to proceed. I am very much afraid that I am going to get disorganized. I would appreciate it so greatly if learned counsel would make notes, and I promise to give him an answer. I have a frame of thought, and if we are going to get disorganized, I will be lost.

**The Joint Chairman Mr. Laflamme:** I think that is fair.

**Mr. Landreville:** I am going to summarize and be concise to you, but, gentlemen, there are two things you must remember. There were many deeds, many acts which relate back to 1955 and 1956 and, therefore, we have voluminous material which I will endeavour to concentrate on and secondly, the question of memory.



I solicit members of this Committee to obtain a copy of the transcript. I think it is only fair to themselves to have it, so that they will follow with me when I refer to important statements given by witnesses, that they will see that I do not misread or they may read, themselves the context for I would hate to have question marks arise in your minds as to in what context did the witness say this. I want in brief, gentlemen, to make you very familiar with the kernel, the crucial question of facts.

Secondly, you will appreciate that to weigh my oral testimony and that of the witness that I may call, a measure of credibility will have to be used. For the above reason and for the continuity and understanding of my case, you will also appreciate my difficulties in presenting my case in view of the changing attendance of the members of the Committee. I do not say this by way of blame, but only by way of continuity and fairness to me, so you will understand as I go along.

Let me preface very candidly to you. Later you will ask me questions. No one need tell me that my public image has been damaged. I know; I have a scrapbook kept from way back and, therefore, the purpose of the Committee is to find whether I am the cause of this or the victim. If I am the cause, gentlemen, you have the power, nay, the obligation, to strip me of my office and of my career. It is your duty and no Canadian can blame you. But if I am the victim, then it becomes another of your responsibilities to do justice to one of your fellow Canadians. For to me this case is indeed more important than a capital punishment case; so, therefore, my removal from the Supreme Court is sought. I will open my book of life to you. I do not wish to make it dramatic, because I have been accused of that as yet. Excuse me for the moment if I have been expressing myself by gesticulating, but I seem not to be able to speak without doing so.

On page 90, Mr. Rand said, in the last paragraph:

No question is raised of misbehaviour in the discharge of judicial duty; the inquiry goes to conduct outside that function.

Therefore, I do not appear before you saddened with the onus and obligation of satisfying you that in my official function I have failed. But it is all very well to say this in one sentence. The import to me gentlemen, is 11 years of my life. The import to me is that

during those 11 years, I affirm under oath, that while I have never claimed to be the most brilliant judge on the bench, I think I have a right to say that I have had the prime quality of patience to hear counsel and witnesses out. Secondly, to give the best of my devotion to rendering judgment. In 10 or 11 years, I have yet to miss one day of court assignment, due to good health, admittedly. My decisions have been rendered promptly and the court lists on the court of appeal will speak of the number of cases that go to the court of appeal from my decision.

We will later deal with the Law Society and I will give a brief summary, in fairness to the Law Society, but in fairness to myself as well, as to the attitude of the members of the Bar of Ontario.

I am not confronted with accusation in my official capacity; I am confronted not with being derelict as an ex-solicitor practising in the City of Sudbury. The inferences drawn from the report hinge therefore on the two-fold legs that my errors relate to my past function as the Mayor of Sudbury, and my present function as a judge in my personal capacity.

Before proceeding, I might ask the Clerk at his earliest leisure to obtain the exhibits which are filed in the Rand Report—

**The Joint Chairman Mr. Laflamme:** We have those exhibits on hand.

**Mr. Landreville:** Thank you.

In giving my evidence, it would be easy to reread all the evidence that I gave before Mr. Rand. I could have reread at Mr. Rand's hearing, all that I said in my testimony at the Farris trial and then there read all the evidence I had given before the Ontario Securities Commission, for, gentlemen, this is my seventh appearance before hearings.

So that you may have a synopsis of the facts, I would like to outline,—and I will give a copy of this to Mr. Fortier—just in brief, these 11 volumes of testimony heard by Mr. Rand. I will spare reading all of these to you of course. I want particularly your counsel following me and I will provide him with a copy.

1. Based on all the documents filed and the testimony given by ALL witnesses, no instrument or paper writing of relevant importance are known to be missing from the files of the Sudbury



municipality and *no one* has complained nor is there any indication that anyone has destroyed same.

This statement I have made as a statement of fact and I challenge anyone to show me in the evidence where there is anything otherwise.

Secondly, that from March 1955, until the 18th of July, 1956, which is the franchise date given by the city, there was adduced by any record or testimony, any evidence, the City of Sudbury, through its city council or any association and I have in brackets—except the coal venders, they objected, considerably against receiving gas as a utility.

So, I will paraphrase this; from March to July there was no opposition. Sudbury wanted gas.

Thirdly, that the city of Sudbury never considered owning its own distributive gas system, and in fact not one municipality owns its system, in Northern Ontario.

Fourth, that from March 1955, until the Sudbury franchise was signed, there was no competitor to NONG in northern Ontario as a gas distributing firm.

Fifth, that the three council members (Fabbro-Dubary-Guimond) who voted against the franchise bylaw, gave evidence of their reasons: to delay and get more advantageous terms in the agreement, and not because they were against this NONG company or against the franchise.

Sixth, that no one, not one member of the city council or any city official has at any time, in any hearing stated that his thoughts or acts have been influenced by Mayor Landreville. And I will refer to the evidence of each, as I have it broken down.

Seventh, that there is no evidence from testimony or document showing or capable of showing that Landreville did any act to favour this company or favour any terms of the franchise for this company or of any disloyalty to his duties as mayor.

Eighth, that no evidence exists that Landreville has denied or refused to disclose to anyone, more specifically to any person in authority, that he had obtained an option and shares in NONG company.

Ninth, that there is no evidence anyone in authority has questioned Landreville as to ownership of shares during the years 1957, 58, 59, 60, 61 until September 1962.

Tenth, that there is any evidence Landreville, after his appointment as a judge, said anything or did any act, on or off the bench, which is capable of this interpretation: influencing others or being influenced by the fact he had an option or had shares in that stock, in that company.

Eleventh, that there is no evidence indicating that Landreville as mayor had special knowledge, as distinct from city officials and members, of NONG finances or feasibilities which he may or did in fact use for his personal benefit.

Twelfth, that as to the character of Landreville not one member of council or city official has said, as appears from the transcript, anything derogatory as to his handling of the city matters. Quite to the contrary; I have been described very briefly by witnesses as a leader, a man who would allow all members of council to express his opinion, allow council to vote as he saw fit, and I give you this under oath: that I was not the type of a mayor who would canvass, solicit aldermen, controllers to vote either pro or con a subject matter to come up at the meeting that night, which is all too prevalent in certain councils.

Thirteenth, that as to the integrity of Landreville as a man, a lawyer, in any public office, or as a judge, there is on the transcript any evidence, from any witness, hearsay or otherwise which can bring his integrity into question.

Fourteenth, Mr. Fortier might see fit to admit that (a) I received the shares by mail from the brokerage house in Vancouver called Continental Investments Company, in my name; (b) that I signed a receipt for the same; (c) I wrote a letter of acknowledgment to Continental; (d) Landreville sold all his shares at various times through the same broker—Ross Knowles & Co.; (e) Landreville kept and produced all sales slips of stock to the Securities Commission on its first inquiry in 1962; (f) Landreville deposited all revenue in his personal bank account.

I was questioned by the Securities Commission officers. They examined all withdrawals and the conclusion was that there was no evidence whatsoever, other than I used the revenue from the sale of those shares for my benefit and that of my family. I will point out to you in the evidence quite patently what is to me a crucial fact, which Mr. Rand sees fit to be absolutely silent on; is when I received this option in July, 1956, from Mr. Farris, what was the

value of that share? All of the evidence, including the report of the Ontario Securities Commission, says that the value of the share was most speculative and problematic. I will give you the exact reference later. I will quote to you the evidence that the option I got in July, 1956, on that stock which had been offered to other shareholders at the time, and there were 16,599 shares not picked up at \$2.50 and for the very obvious reason which you may guess. The evidence will disclose that there was a run on the market in December and January, January, 1957, after I was judge and a paper which I might have termed worthless for a dime exploded, to use the expression of the broker McGraw. The gas stock exploded in December and January, rose to \$10, \$12, \$13. This I will point out to you gentlemen as we go through.

This statement of fact to me, I will argue, is uncontradicted, uncontradictable. Mr. Fortier will be given the right to cross-examine me on this; he will undoubtedly look through the transcript and if I have overlooked something I will be the first one to express my regrets to him, but I have read these books, believe me, very thoroughly.

(Translation)

**Mr. J. P. Goyer:** You should not consider the Committee as a court. We are ourselves studying the case of Judge Landreville. It is not from counsel to the Committee that we have to seek permission to cross-examine. This is not a matter of cross-examination at all. We are here to study the case, as a committee. Our counsel is not a party to this matter. He is here simply to give some guidance to us. That should be clearly understood since Mr. Justice Landreville has already made three references to this. Counsel has his job to do. Mr. Justice Landreville is here to give evidence and we have our own work to do.

**The Joint Chairman Mr. Laflamme:** I would like to indicate to our colleague, Mr. Goyer, that at the beginning of the meeting Mr. Justice Landreville had suggested that he would like to speak. He was sworn in before our counsel or any other members of the Committee had indicated that they wished to put questions to him. I do hope that he will be questioned, not only on the points he raised himself but on any other points which the members here would like to raise. Such has been our policy up to now.

**Mr. Landreville:** I will therefore not speak to counsel as such. I will speak directly to the Committee.

(English)

**The Joint Chairman Mr. Laflamme:** Are you through with your preliminary statement, Mr. Justice Landreville?

**Mr. Landreville:** Yes, Mr. Chairman, I would like from here then, in view of the fact that my life is before you as an ex-solicitor, ex-mayor, to give you just very brief biographical notes, year of birth, if it is of any interest to the members of the Committee.

May I proceed in that respect, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** I may note I have gone at greater length in the transcript before Commissioner Rand, and to that you may refer.

May I disclose that I was born in 1910, within a few blocks of this very building, on Rideau Street and I hold certain degrees from the University of Ottawa, the University of Dalhousie; I was a member of the Ontario and Nova Scotia Bars. In 1934-35-36 I studied law under J. S. Plouffe; later district court judge in North Bay; 1937 I became associated with J. M. Cooper, later MPP, and later in 1950 Mr. Cooper became a district court judge; I continued in the practice of law, which comprised some fifteen persons, including my legal associates; my special leanings were towards litigation and I have concentrated in that field.

One witness, Harry Waisberg, who was on the Board of Control of the city of Sudbury, as a lawyer as well, and now is county court judge in Toronto, passed some comment as to the size and volume of business of my law office.

• (10.30 a.m.)

Now, from the first years in practice, gentlemen, it is only fair to myself to say, without offending humility, that I have served every year in some public office or other in my municipality. I have been on the school boards, elected, elected on commissions. I was alderman three years, shortly after I established myself in Sudbury. During the war years I was appointed by the city council as vice chairman of the air raid precautions, which was an important organization for the protection, particularly, of the INCO Mines.

I was elected consecutively during seven years as the hydro commissioner, besides being consecutively in a number of benevolent



associations, an ex-lieutenant governor of the Kinsmen Club, and ex-lieutenant of the Richelieu club. I was also co-founder of the Sudbury Business College, teaching there daily for seven years in addition to my legal practice.

Finally, I admit constant activities in provincial and federal politics, being two of my loves and now aloof interests. I had been approached to go to the bench; I believe it was in the year 1953, and at that time I said that I would stand for the appointment but that I would not run for it. Then, it followed that in 1954, I stated I would leave my law office and agree to seek election as mayor, which I was elected, and the following year I was elected by acclamation. One is elected yearly. I said to the people, and that is a matter of record, that I could afford to leave my law office one year, maybe two, but not more and I undertook to do this.

There was a heavy problem in the city of Sudbury. My platform was one of amalgamation of an area because of pollution of our water source. I left my office and I became mayor at \$5000 a year and no emoluments, and I leave it to others to speak of my endeavours from January 1, 1955, when I took office until September, 1956. I can only affirm to you that I have acted at all times, in any public office, with the utmost devotion and to the best of my ability.

Why I have served all those years in public life, now probably close to thirty years? Well, anyone of you can answer that question; why one goes into public life. The events have taken me—very painful, over very painful years, and I will explain, after I review some of the facts for you, just how all these events have come about. In short, I can affirm that I could write my own judgment in this matter as to cause and effect. It is patent, gentlemen, I would not find myself before you if in 1956, I had declined to serve on the bench. It is obvious, the result is so patent that I would not be before you if the price of that stock had not surged, and I had made \$117,000. I have long pleaded guilty to both deeds if that, those are my offense.

Now, gentlemen, you may ask why, and many people ask themselves why, I have not resigned, why I have persisted; because I consider, gentlemen, in sincerity a duty to myself, my family, and to the bench, as well as to my countrymen to stand on my rights and fight gossip, rumours, suspicions and innuendoes because if for one moment there

was a scintilla of guilt in my mind or my heart I would not have the audacity and dishonesty, if not stubbornness, of enduring five years of harassment and be here now to challenge. I have not resigned for those reasons, gentlemen.

I would like to gloss over for you those events pertaining, first of all, to the granting of the franchise of Northern Ontario Gas for the city of Sudbury. I have given you the highlights of it and I will refer to the exhibits and, Mr. Chairman, may I be given a short recess to find the exhibits and rest my voice?

**The Joint Chairman Mr. Laflamme:** How long?

**Mr. Landreville:** At your convenience, five or ten minutes.

**The Joint Chairman Mr. Laflamme:** This meeting is adjourned for ten minutes.

After Recess.

• (10.50 a.m.)

**The Joint Chairman Mr. Laflamme:** Gentlemen, may we resume our meeting. We have Justice Landreville with us to continue our hearing.

**Mr. Landreville:** Thank you, Mr. Chairman. Once again, I must reiterate my hope of not being burdensome with events. I must do justice to my case but at the same time I must be fair to you so you will grasp the picture. I bring you back therefore to November, 1954. At that time I was chairman of the Sudbury Hydro. I was notified that there would be a conference in the office of the Attorney General for Ontario, the hon. Dana Porter, at the time, concerning gas. With me there was the Clerk-Comptroller of the city of Sudbury, the City Solicitor, the member of parliament for the legislature, Mr. Chaput; from North Bay, the mayor of North Bay and the mayor of Sudbury, as he then was, Mr. Jessup. The result of that meeting was this, and that is on the record, and I have given you the synopsis.

The Attorney General stated to us that while the provincial government respected local autonomy, that the granting of a franchise was obviously within the discretion of the municipality. He stated as well that the municipal ownership of the gas utility is not practical. I stopped there because in the newspaper at the time, as chairman of the Sudbury Hydro, I had advocated public ownership of that utility and the point was made to me that our municipality would have had



to—the approval of the Department of Municipal Affairs. We did not have the finances, and furthermore, gas as a utility required technical knowledge and we did not have the know-how.

From that moment it was quite obvious to us representatives, North Bay, Sturgeon Falls, Sudbury area, that the government policy was that public ownership or municipal ownership was out of the question.

Thirdly, he advised us that because the government had at its disposal certain means and information it would assist the municipality in guiding them and telling them what company could be reliable to distribute gas. That was an excellent service to be provided to us through the Fuel Board of Ontario. We appreciated that guidance. He pointed out that the line, the Trans-Canada Pipe Line, and I call on your memory, you legislators who were in the house at the time, had not yet been decided whether it would go through the clay belt area, that is the Cochrane area, or go along the north shore of Lake Superior, the south belt, and that however, whichever way it came in, it may be quite obvious that we would be on a lateral from the main line, that is, North Bay, Sturgeon Falls, Sudbury, Copper Cliff and other areas. Therefore, he solicited us into holding meetings between us to agree on what company between us, so that we would not have more than one pipe line coming through.

He stated there was no urgency in the matter since the main line was not decided. He pointed out to us the functions of the Fuel Board. They would give us guidance, full assistance at that level and that was appreciated by us. Reports of that meeting appeared in the exhibits. If there is any question about that we can examine the report of Mr. Monaghan who later was an M.P.P.—he was then a controller, the report of the Clerk-Controller and my own report which I read to council and in the minute book of the city it is stated marginally the Attorney General, words to this effect, will inform what company to take or what company is advisable. In short, in the conversation Mr. Porter did not tell us or dictate to us, you have to take a company. I want to make that quite clear but he dropped the name of Lakeland Gas and Northern Ontario Gas, being two companies who had already done some groundwork. So you have the picture then as of the end of 1954, and I came into

office in January, 1955. I was rather busy with what one might call my political platform, promise of proceeding to the study of the amalgamation of the area—what area to take in. It was very important.

In January there is a noteworthy letter sent from the clerk of the municipality of North Bay to Sudbury. It is on file. It indicates that they are already anxious and prepared to come along with us and meet whenever suitable. In February, 1955, there was held a meeting in Kirkland Lake, and there I was instrumental in despatching the City Solicitor as observer. I remind you again that this big Trans-Canada Pipe Line and where it would go had not yet been decided.

The meeting at Kirkland Lake consisted of 17 representatives of various municipalities in northern Ontario and the minutes of that meeting recorded show that the municipality agreed first of all that there would not be municipal ownership. Secondly, that they would agree on one company and the meeting adjourned on that.

Following this, it shows that on February 27, I came to Toronto and I interviewed Mr. Crozier. Archibald Crozier was the Chairman of the Ontario Fuel Board. He was acting directly under the hon. Dana Porter, so I came to him and I asked him for some information and at the meeting he gave me a draft of a franchise agreement which, in the opinion of the Fuel Board, would be the appropriate agreement for municipalities to sign and satisfactory to the board.

• (11.00 a.m.)

On March 1, Mr. Crozier himself was in attendance in Timmins at a meeting of the allegedly same municipalities which had attended the meetings previously. At that meeting it was again repeated, and the minutes of that meeting are on file as an Exhibit; (a) recommendation against public utility; (b) one company to distribute gas in northern Ontario; (c) that the representatives recommend to their respective councils the approval by bylaw of the application of—I would call it NONG henceforth, gentlemen, for the right to distribute gas in their respective communities. The two motions were carried unanimously and I must note that Sudbury abstained from voting due to special circumstances. I will deal with that later.

Then, from that moment on it can be taken as conclusive fact that the wish of the municipalities in northern Ontario, with the approval of the provincial government,

Northern Ontario Natural Gas was to be the company. That was March, 1955. I promptly underline, because I am involved in this, that the evidence disclosed I never met Mr. Farris, nor high officials of that company until eight months later, namely, in January or February, 1956. So that it was already decided.

Mr. Rand in his report speaks of delays, wait and see. I think that in that respect the records of the House of Commons will speak of the reasons for the delay, where the Trans-Canada Pipe Line was going to go but the main question, if the Trans-Canada Pipe Line was to be a fact in Canada at all was still a debate. In July, there was a meeting before Mr. St. Laurent, C. D. Howe, attended by delegates from northern Ontario. At that meeting of July 22, the northern municipality expressed in no uncertain terms their anxiety to have gas in the north of Ontario. Mr. Howe said it was unnecessary for any municipality to enter into an agreement at this time. In August, 1955, it was announced that the pipe line would take the northern route as originally intended and in the fall of 1955, I do not recall anything of importance that took place pertaining to this question.

In December, 1955, I received a visit from Chester Gray who was an officer of NONG. I do not recall particularly the point of his visit, except I told him the reason why we were delaying. There was no urgency in the granting of the franchise because the financing of the pipe line was still a tremendous question in the federal field. When and if the pipe line is decided we will consider his company. And that is a letter on file confirming, and an Exhibit; my language is quite strong in that respect. Now, I say that I met Mr. Farris in January or February. I recall that Mr. Bray, Vice President of Trans-Canada Pipe Line came to Sudbury accompanied by Mr. Farris and he vaunted the NONG company. There is a letter on record that shows again the visit of Mr. Bray and he solicited the city of Sudbury to consider Northern Ontario Gas as the distributing company for our municipality.

In February 1956, on the exhibits, there is a telegram and a letter from myself to J. G. Monaghan whom I may call as a witness later on, to establish quite clearly this point that I had asked him to speak very strongly in the provincial legislature on behalf of our municipality; that we were in favour of gas; that it was a utility desired by all people. And there is some reference in that respect.

These letters, mind you, are marked with an "L". The exhibits "read 1" indicates my practice that whenever I read something to a council meeting I would so notate on the document.

In March and April 1956, very little activity. There were interviews with Farris. He came up and I recall he came up, he wanted to speak to the council, and one witness has said that I absolutely forbid him to speak to council because he was not on the agenda. My statement to him was that there is no rush about this because, for two reasons—they were still debating in the federal House of Commons the question of the gas pipe line.

We are getting now, gentlemen, close to the famous closure debate of April and May, 1956. I put him off politely but I repeated to him our present situation in Sudbury. I do trust, gentlemen, that you have been favoured in travelling to that area in the past, and you know that Copper Cliff is a separate municipality from Sudbury. It is known as a company town. Well, my point to Farris was—obviously International Nickel Company is going to be a big user of gas and we are going to be a user of gas as well but I am told from information through Mr. Crozier that we are sort of linked together and it would spell difficulties for the municipality of Sudbury if we signed a franchise with that company in the first instance, and then International Nickel sign with another company or buy directly from Trans-Canada Pipe Line which, according to some evidence, indicates that they were trying to buy it, so to speak, wholesale, instead of through NONG.

I do not understand all the engineering complexities but I have been told there is what is called "valley" gas. A city like Sudbury would use a substantial volume of gas in the wintertime and hardly any in the summer, and the arrangement would be that Copper Cliff, International Nickel Company, would use a high volume of gas in the summertime and low in the wintertime so that the graph would level off because a company ties itself to the purchase of a certain amount of cubic feet of gas. That is the basis of it. Therefore, that generally explains my reason why those two points—federal discussions and then INCO—why I was telling Farris there is no rush about this. I am shown on the record in the Minute Book and say—"wait and see."

I can say that at that time in February or March there was no other company but NONG who would service gas in northern



Ontario. There were no competitors. Mr. Crozier, and I will refer to his evidence later, stated that it was a decided affair.

• (11.15 a.m.)

As of the end of April, without going into details again, cumbersome details, gentlemen, I was reminded on the Securities Commission that I had received an important phone call. There is on exhibit here, Mr. Rand discounts that entirely, a note which one might call, doodling, which one may have the habit of doing on a telephone call, by me. Now where was this note obtained? It was obtained in a very thick file in the city hall in Sudbury, seized by the Ontario Securities Commission. They seized the whole file, known as the mayor's file and they went through it. It was produced to me in the Securities Commission and it reminded me that Mr. C. D. Howe called me and said—well, it is difficult to say exactly the words Mr. Howe would use—but let us say they were strong words to the effect, "What is the delay, what are you doing? All the others have signed. Why are you not getting ahead?" That is the purport. You will see a telegram from me to Mr. C. D. Howe, a letter from Mr. C. D. Howe to me. In that telephone conversation I gave to Mr. Howe as reasons for the delay the very fact that International Nickel had not signed up with this company and until I was given some assurance that that would be I was not going to commit our municipality to that company either. He told me, "It is a fact INCO will sign up" and that is on the doodling note. It is marked on the doodling note "Trans Canada Pipe line". It refreshed my memory that by comparing with *Hansard* that those were the crucial dates where the financing of Trans Canada Pipe Line was brought into play and he did tell me that substantially our granting of the franchise and Copper Cliff would affect the credit rating of that P.C. line.

Now, I do not wish to get into your field, gentlemen; I will stop right there. As a result of that I called the city solicitor in and I asked the city solicitor to get going on that franchise. Those were my instructions. Mr. Farris showed up within a day or so. I cannot find the records there of that visit, and he assured me that International Nickel was ready to sign up with his company. I said that if such was the case, I will go and see Jones. So, I got into my car with him—the two of us—and this is not to be conflicted with another meeting referred to by Mr. Parker, Vice President of International Nickel Company. We paid them a visit and

we were told there—I was told—"yes, we have made our arrangements with NONG, by the Vice President".

**Mr. Bell (Carleton):** We question the visit; we paid them a visit. Who are the "we"?

**Mr. Landreville:** Mr. Farris and myself. I know my presence being in that office and that is close to the 27th, or around the telephone call of Mr. Howe. There are documents to that effect.

The visit was very brief, and that was the point of the visit, so I came back and that was what motivated me in instructing the city solicitor to get going. He did. I may say that he was competent, the city solicitor, Mr. Calais, in giving his evidence, but a young one. Obviously sometimes I have had to criticize his work because I felt much his senior in experience in law and in drafting, but I gave him freeway to go ahead and draft it. He did prepare it and on March 3 he started working on his contract.

**An hon. Member:** On May 3.

**Mr. Landreville:** On May 3, pardon me. I refer to a telegram to Mr. Howe in which I just expressly stated:

Pleased to advise the Board of Control approved the Gas Contract to be signed with Northern Ontario Company. First and Second Readings Bylaw expected to be made next Tuesday Council meeting. Assured by INCO Officials it will contract with same company forthwith after our Readings. Citizens and Industry greatly anxious for project to materialize. We feel the best part of this Country namely Northern Ontario will remain undeveloped unless this low cost fuel is available to us. Without the North this Country has no future.

I sent this to Mr. C. D. Howe and the Board of Control of May 3 shows that the contract was considered at that meeting. There is disparity between the question of hours which Mr. Rand makes mention of.

On May 4, a letter from C.D. Howe, Exhibit 15—it was filed as an exhibit—and I note only this part:

I trust that there will be no delay in signing your contract, after final approval is obtained.

On May 8, the bylaw re NONG was presented to the Council and there the city



solicitor advised that it must be delayed due to the fact that it was not drafted in time to be typed out due to pressure of other work. That was the reason. Then, came, just at that period—May 8—the famous debate in the House of Commons. Mr. Howe said—and I refer to *Hansard* of May 14, 1956—in the House of Commons:

It also doubts the propriety of using taxpayers' funds to operate a gas business in competition with the privately-owned...industry. In short, it would appear that all governments have reached the conclusion that the long range transmission of natural gas is a field for private enterprise, with government assistance if necessary. . .and operation.

On May 17, the first and second readings of the bylaw is made and I recall that the bylaw was supposed to be, at that time, all ready. There was another motion before the Board of Control and this was the second motion, mind you, approving the bylaw.

On May 18, the city solicitor submitted to the members of the council by correspondence a copy of the agreement. He does not object to any clause or anything. He is satisfied with it. Basically it is again the agreement supplied to us by the Ontario Fuel Board as a draft.

On May 22, the bylaw was read for the first time and considered as read the second time as well; being a bylaw to authorize a franchise agreement with Northern Ontario Gas. There was hardly any opposition, if not unanimous.

On May 24, the Fuel Board issued a notice printed in a newspaper for a public hearing the purpose being whether they were going to dispense with a vote of the electors.

On June 7, the Fuel Board held a meeting in the Sudbury Public Library auditorium. I was there; there were several members of council there and some of the public. Mr. Crozier—this can be read in this transcript of the Rand Commission—stated that he went clause by clause; explained and answered all questions. I had nothing to do at that meeting but sort of sit next to him at the table. There were questions put by some citizens as well. It appeared at that time to be satisfactory to everybody who was there. This was on June 7.

On June 11, the Fuel Board granted an order dispensing with a referendum and the only formality there remains is to read the bylaw for the third time.

I must not presume that all of you have sat on municipal councils, but in our council and councils generally, may I explain the practice. A bylaw is read a first and second time and there may be, at the second reading, some debate or no debate. Sometimes there is debate at the third reading, and much debate at the third reading, except in that type of bylaw which needs provincial approval by one of its commissions or boards. So that a money bylaw or any bylaw which needs a board's approval is read a first and second time and fully debated. That is in the transcript and stated by several persons.

Then, for all intents and purposes, that bylaw, that second reading is final because it goes to one of the departments in Toronto; they examine it; if it is unsatisfactory they return it with suggested amendments; if it is satisfactory it receives the provincial stamp of approval. Then it is sent back to the municipality and it is read for the third time as a matter of course, because if on the third reading we re-argue this bylaw and start changing any parts thereof, we have to send it back to the provincial government to have the amendment re-approved. Therefore, the custom is, for the sake of expediency, of having full debate at the end of the second reading.

Now, on July 15, I can tell you that the city solicitor wrote a long letter—

**Senator Hnatyshyn:** What date was that?

**Mr. Landreville:** June 15, 1956. There had already been lots of delay, in my opinion. The bylaw had been read a second time, approved by the Fuel Board and the City Solicitor wrote a long letter. It is an exhibit—

**Mr. Fortier:** June 19.

**Mr. Landreville:** Oh, June 19, I beg excuse.

**The Joint Chairman Mr. Laflamme:** An exhibit.

**Mr. Landreville:** No, the letter is dated June 15 but the meeting was on June 19. It was submitted June 19 to the council meeting. So, on June 15 our solicitor submitted and I recall, I may tell you, being annoyed because he brought up a lot of points which had been previously brought up and he asked that the matter be postponed indefinitely. I had in mind the request of Mr. C. D. Howe and the importance of getting this through, and I made notes on my copy of the letter, which is on file as an exhibit, of my answers

to Mr. Kelly's objections so that I could, at the council, ask Mr. Kelly, let his points come through and tell Mr. Kelly what his—

**The Joint Chairman Mr. Laflamme:** The letter of June 19, is that Exhibit 79?

**Mr. Landreville:** Yes, dated June 19, but I seem to recall there was some confusion there because he dictated it—he may have put on his letter “dictated June 15”, if the letter can be picked up, if it is immaterial, but I doubt it; the only thing is that it was brought to council and there that letter put a stop to the reading of the bylaw. I did not object; I let the matter be discussed and Mr. Kelly said, “I am not entirely satisfied that I have gone deeply enough into the contract as yet.”

**Senator Hnatyshyn:** Who was Mr. Kelly?

**Mr. Landreville:** Mr. Kelly is the City Solicitor.

I did not press for any action; the minute book will show that, and he was given utmost latitude to be satisfied. On June 20, the minute book will show that I recommended to be replaced by Controller Waisberg, now Judge Waisberg, to attend a Fuel Board hearing here in Toronto which was to be held. But Mr. Waisberg not being able to attend, I went and this hearing was for the purpose of examining the feasibility, in short, and I have the report here—I forget the word that was used—

**Mr. Fortier:** Feasibility and necessity.

• (11.30 a.m.)

**Mr. Landreville:** And necessity of gas to the area. I attended that meeting. The board approved of the agreement that was discussed there and Mr. Crozier did say he was most anxious that we would stop all this delay, “there is nothing wrong with our agreement.” This he said to Mr. Kelly in emphatic language. We had a meeting following the main meeting in his private office. We came back and Mr. Kelly, at that time in Toronto, appeared satisfied, but once in Sudbury he came to express to me something new he thought might be in the agreement. I then said to Mr. Kelly, “very well, we are going to settle this matter once and for all and we are going to get Mr. Crozier up here”. I invited Mr. Crozier, Chairman of the Fuel Board, and he appeared on July 3, 1956, before our council.

There, again, there was full discussion. Every question that could possibly be asked

by Mr. Kelly was put forward and that was it. Mr. Crozier left that night; the council showed its appreciation; the minute book is very complete in that respect, relating all the items discussed and after Mr. Crozier left, Mr. Farris came, in the first few days of July, and every time he was around I would say, “well, you discuss your terms with Mr. Hennessy, the city engineer, and Mr. Kelly”. I would not take direct part in the drafting of the agreement. It was their department.

I recall receiving into my office the visit of Mr. Farris accompanied by Mr. Kelly and Mr. Hennessy on one occasion in particular where Mr. Farris was up in arms against both of them. He said, “these men are entirely unreasonable, they want me to put a clause in the franchise that this city will have the right to expropriate at cost price at any time after five years.” My only argument was with Mr. Kelly, “Well, do you think that is reasonable for a company to install such things.” So except for that little brush, there was no friction, I say, and no misunderstanding. Then, they met and on July 6th, Mr. Kelly, Mr. Hennessy and Farris met together and spent a good part of the day together discussing all the terms. They came to me; Mr. Kelly said, “I am satisfied; everything is fine”. In fact, then Mr. Farris left and he was content also. The only thing that remained to be done was read the bylaw for the third time at the council.

Mr. Kelly wrote a letter to the Fuel Board saying to the Fuel Board that he was satisfied, and that is shortly before July 15, 1956, which was the passing date of the bylaw. The Fuel Board—

**The Joint Chairman Mr. Laflamme:** Is that letter part of the exhibits? What date?

**Mr. Landreville:** This letter is referred to in the evidence and I am not too sure that it is filed as an exhibit, but it is referred to.

**Mr. Fortier:** On page 1044 of your evidence.

**Mr. Landreville:** Is it not referred to also—

**Mr. Fortier:** It is exhibit 112.

**Mr. Landreville:** Exhibit 112; all right. Well, it is an exhibit. The Fuel Board order is dated the day before, namely July 17, 1956, it is as approved. It did approve of the agreement.

At this stage, gentlemen, I have a breakdown here, if someone wants to question me on that, of the delays that went between the



beginning of May to July 15, by dates; the number of times this matter has appeared, which was constantly delayed and mostly—and I do not blame in that respect—due to Mr. Kelly, but he was at the last minute coming up with something to prevent the passing of the franchise bylaw. But he was given free rein. The evidence in the minute book will show that during that entire period no one on council pressured anyone else. While I presented the subject matter, if there was opposition and reasonable opposition, we would delay. I may state here that my fashion, and it is reflected in the minute book, on any subject while I was mayor, is to bring a subject matter to the attention of the council, explain it, and allow full debate by every member and, then, if the majority is in agreement, let's make up our minds; procrastination being one of the minor vices of every municipal council—let's put it till next meeting. But on this matter here I did—went that extra length to allow full discussion to make positive that this would be aired fully to the satisfaction of everyone.

Gentlemen, here we are, therefore, to this meeting of July 10. There is a letter on exhibit, sent by Mr. Farris, to the city of Sudbury; it concerns three things, if you recall: the service line maximum extension, 66 feet to a property; and the main thing is to proceed after execution of the franchise agreement to have incorporated a subsidiary company with the consent of the city. At the last minute Mr. Kelly said, "I think that we have got to consider something else, the possibility of NONG forming a subsidiary company so that it will operate and keep a set of books for the city of Sudbury alone". Well, that was the last item, objection, and to this I said to Mr. Farris, "you are anxious to get this franchise through". He said, "Yes, please, things are pressing me, will you undertake"—this was openly said—"to supply a letter that if after we give you the franchise, we look into this matter and find some advantage to having a subsidiary company formed by you, you will do this." He said, "I do so undertake", and that is the letter.

I appointed a special committee consisting of Mr. Kelly, the deputy mayor, and Mr. James of the firm of Crawley and Company, chartered accountants for the city of Sudbury. I told them, "You look into that question and you report to council on the advisability of having such a subsidiary". That report is an exhibit; it is filed. So, we are here, therefore, approaching the date of July 15.

The redraft of the bylaw had been sent to the Fuel Board and things appear. The minute book is complete; there was some discussion on the matter. There were three men who voted against the franchise, deputy mayor Fabbro, a man by the name of Alderman Dubary and Alderman Guimond, the three. Their evidence is here and their testimony is that they thought that they could get some better rates.

**Senator Cook:** How many were voting?

**Mr. Landreville:** There were 10 members, I believe, at the council on—

**Senator Cook:** I have it; it is on page 1919.

**Mr. Landreville:** They gave their reasons. Pertaining to rates, that was one of the objections of one of the gentlemen who voted against. It had been repeated and repeated by Mr. Crozier that the franchise agreement cannot contain rates and the Fuel Board will not allow a municipality to make bargains for rates. It was strictly within the jurisdiction of the Fuel Board to so determine for purposes of uniformity and authority. So that that question was certainly irrelevant.

It is to be noted that at this council meeting I refrained from voting. I may tell you that that was not out of the ordinary. I normally did call on each member to express his views, then would call on a motion and would then call for the vote and, except in a tie, I would not vote. That is contrary to the mayor whom I succeeded. He would always vote. There is no obligation for the mayor—the reason for my policy in doing so, of not voting was to leave the council members free in that respect.

This, therefore—we are leaving our negotiations in the city of Sudbury aside to tell you of my personal relations with Mr. Farris; that obviously was a subject matter, I think, of Mr. Rand. All of you are men of the world. I can presume, therefore, a lot. You meet men that you like and you meet men that you dislike at first blush.

First of all, Farris and I had something in common due to the fact that we were having our birthday on the same day—we were the same age—or just within a day or so, I think, it is. Secondly, he is an extrovert and jovial. Through these meetings I came to befriend him; I kept him in respect and at a distance, indeed, at all times. We would be jovial, but when it came to strict business we never had business tête-à-têtes alone. It was with the



City Solicitor, the engineer, the Clerk Comptroller and that is where the business took place. I did, on one occasion, have Mr. Farris at my home in the city for dinner, and on that occasion in the playroom there entertained him along with a number of my close friends and some municipal council. How many were there? My memory fails me. Except that I can tell you that there were a few members of the council with whom I associated socially. I just pass in comment, a very wounding remark made by Mr. Rand in stating that I am a bit of a social snob because I would not invite my own council because I considered myself socially above some members of the council.

**The Joint Chairman Mr. Laflamme:** What page of the report are you referring to.

**Mr. Landreville:** I am referring to the middle of page 70.

He stated that there could be no social gathering at his home of the City Council of Sudbury for the purpose of promoting NONG's application for a franchise, because there were too many members of the Council who were not of his social rank and would not be invited.

I am not going to reply to such a statement except to say that in Sudbury there are 28 races and you get continuously elected and elected and elected, in Sudbury without any defeat at all, and if you become a social snob, I leave it to any one of you how far you get capturing votes. Some members of the council surely, I am candid in this, I would not invite in my home; not because I consider myself above, simply because we had nothing in common. And they have been on the council, they were good men, some good miners. My council constituted of a broker from a brokerage house, a lawyer; I had an engineer; I had three business men, a principal of a high school, construction men; and they were men, sound, and I do not for a moment, by the remarks I have made, wish to say that they are not good citizens, good men, but they were not invited to my home. We were not socially associated.

**Mr. Fairweather:** Could you make reference where this appears in the transcript.

**The Joint Chairman Mr. Laflamme:** I think Mr. Fortier can.

**Mr. Fortier:** I am looking for it. There is reference to what you are now saying here in your testimony before Commissioner Rand.

**Mr. Landreville:** Yes, I made a comment on that. In the transcript, and I would like that to be read, just as a sample of turning evidence—

**Mr. Fortier:** It is on page 1047. It was in answer to a question from Mr. Morrow:

I can assure you furthermore that I was not on a social basis with many of the Aldermen and Controllers; I would not invite them to my home.

I think this is the reference that you had in mind.

**Mr. Landreville:** There is another one.

**Mr. Fortier:** At the bottom of the page you go on to say:

I am looking over the list of Aldermen, and I can say there would not be more than two with their wives, if at any time I had made an invitation.

**Mr. Landreville:** Gentlemen, let me just put it this way: there were on this council some men who, for instance, I like socially, and my wife liked their wives, and if we are going to go into personalities that way, I will have to make a breakdown of names to tell you whom my wife did not like. I am sure we are not going to—

**An hon. Member:** Is this of any relevancy?

**Senator Hnatyshyn:** This is not in the Commissioner's report at all.

**Mr. Landreville:** I am grateful to you, sir. I am coming to speak of my relationship with Farris. I say here today that I find that he has been a man of vision, great aggression, determination. One only has to look to Northern Ontario Gas, with the number of subsidiaries it has today, its success, to see what he has created; much like C. D. Howe in that respect. I am not here to say that, to defend him for having committed perjury, so found by a jury. It is not my case that was his, but I will give some explanation in that field, because explanations are being begged when I am found guilty by association. So that in those interviews Mr. Farris came to my home; he was furthermore a very generous man, sent flowers to my wife and other gifts; came from good family; and a very personable gentleman.

I have stated before that I recall my conversation with him as having taken place toward the end of June; in between the 1st and the 15th, and before Mr. Rand I said on

the 17th. The report points out these disparities of time. Why I did not know at first the exact date of our conversation, should leave little to the imagination in view of the fact that my first testimony was in October 3, 1962, some six year after the event, but I knew that it was around that time, and I knew one thing positively; that our dealings with Farris were through, the bylaw was a thing completed, and that I would not likely see him for quite some time again. I have, after hearing the evidence of others, who have refreshed my memory, after going to Sudbury and look at the records, I have, of course, altered and shifted some dates. There were some events which I had totally forgotten about until my memory was refreshed by Mr. Farris as evidence in this Rand Commission.

Again on relationship, therefore, on July 17, there was a council meeting. In my memory, and this I have always stated and I repeat again, the matter was complete. I invited Farris to my home and to the council meeting. It was summertime. My summer camp was some five miles from the city and I took him there for a midnight lunch and a cup of coffee, and we spoke with my family. He had admiration for my two sons because they were two growing boys at the time and he had only three daughters. I drove him back to the hotel and on that time as we were approaching the hotel, within a block or two, he was expounding to me the difficulties of his company. I said to him words to this effect: "I suppose we will not see you any more, now that you have your franchise" and he said "Oh, no, I will be back". I told him "As you know, I am not going to be mayor next year and therefore may not likely have anything to do, nor opportunity to see you. He told me that there was only Spence Clark, and that is factual, endorsed by others, and Mr. Grey and McLean who were sub-officers, the only two. "We both live in Vancouver, we have nobody to attend to this affair up in Northern Ontario. We have lots of work to do." And it was at that time, gentlemen, I say, and only at that time do I say it, that I said to him, "well may be I could help you next year. I will not be mayor; I might like to work with your firm." And furthermore I added to this: "you know I can speak languages, I know every mayor and council in Northern Ontario, the area; I can be of assistance to you." These were very brief opening words to which I added: "and of course I have a bunch of young lawyers in the firm. They can make contracts and arrange your

papers up this way," as I knew that they did not have a firm of solicitors in Northern Ontario. That will come into the discussion of ethics later.

He answered briefly to me, "well, Leo, we do not know where we stand now; we are just at the organization stage; we are disrupted and we will see about it." I stated before—I want to make that correction—at this first hearing in 1962, I thought he had spoken to me about the price of shares, or I asked him about them. That was not so then; that took place later, namely at a meeting in North Bay. I said to Mr. Farris—he did not say to me—"I would even be interested in buying some shares in your company if they are available, because it is my policy that if I work in a company I always feel that I work," as I told him, "with more enthusiasm if I have a personal interest." That was the full extent." I made that offer. I did not add anything to this and his promise that night to me was nothing more than "well, I will see what I can do, we are waiting for supplementary letters patent, for stock and we are in a disorganized state."

Gentlemen, as I am speaking to you, you must note that I have before me a script, so to speak, my notes, but I am not reading from anything and I can affirm that with positiveness, and assure you as to what our conversation was. There was no promise of favour by me extended to him. There was no definite promise from his side to me either. It was left—

**Senator Hnatyshyn:** Is there anything in the evidence that will show that the conversation was otherwise than your statement, Justice Landreville.

**Mr. Landreville:** Absolutely not a piece of evidence; except what Farris has stated and myself which are identical. Furthermore, allow me to intersperse here one thing. From the very first time, back in 1962, when my name was mentioned publicly, I have not contacted—I say this under oath—any municipal officer of the city of Sudbury, any city official to compare notes. I have not directly or indirectly contacted Farris, Spence Clark or any other officer for the one and logical reason that that is not my way of adjusting stories. I am there to give my evidence and I will let the other person give his evidence. Otherwise, one may have asked me some day, have you discussed this with Mr. so and so, in which case I would have had to say then that Mr. Farris came before the



Rand Commission, he testified for the first time and his evidence is clear: it was on July 17 after a council meeting. I had thought that it was after some meeting—a few days prior to that, irrelevant of the fact, gentlemen, I now pass to the very important letters of July 20, 1956. Now, in these matters—

**Senator Fournier (De Lanaudière):** What page is that?

**An hon. Member:** Page 20.

**Mr. Landreville:** Exhibit 114.

**Senator Hnatyshyn:** Mr. Chairman, would this be a good time to adjourn. I know we will be meeting again and most of us have a few things to do.

**The Joint Chairman Mr. Laflamme:** I think it would be fair to the witness, who has spoken to us for a long time now, that we adjourn until 3.30 this afternoon, and start with the letter of July 20. This meeting is now adjourned until 3.30 this afternoon.

#### AFTERNOON SITTING

**Tuesday, February 28, 1967.**

• (3.35 p.m.)

**The Joint Chairman Mr. Laflamme:** Gentlemen, I see a quorum.

Before resuming the testimony of Mr. Justice Landreville, I think Senator Lang, my co-chairman, and I would like to have your advice as to the possibility of sitting tomorrow afternoon. Is it agreed that we sit tomorrow afternoon at 3.30 p.m.?

**Some hon. Members:** Agreed.

**The Joint Chairman Mr. Laflamme:** We will now resume with Mr. Justice Landreville.

**Mr. Landreville:** Mr. Chairman,—

**The Joint Chairman Mr. Laflamme:** And we all consider that it is under the same oath.

**Mr. Landreville:** There is a slight correction concerning this morning's evidence, where Mr. Fortier and I apparently disagreed on the date of a letter, and it would seem that he is not wrong, and neither am I, because the letter from the city solicitor which he stated was dated June 19, is correct. However, at the top also is marked "dictated June 15"; it is not a point of importance but to have this record straight.

You have patiently heard me, gentlemen, relate the events of July 17. I have made the broad statement in what I submitted were uncontested, uncontested facts, based on the evidence as to the question of influence that I may have exercised on any members of the council, and as to the question of any act that I may have done, even inferentially, as a—in conflict of interest.

Now, if you will bear with me, I will just very briefly point out—and I trust counsel who has a copy, will follow me in this respect—a brief line from each witness, so that you will have a clear picture of the situation. I refer to Alderman McDonald in the transcript of the inquiry of Mr. Rand, at page 414, under examination in chief by Mr. Morrow, counsel for the commission; I will read very briefly:

**Q.** At this time, so far as you were concerned, had you reached a conclusion about the pros and cons of granting a franchise?

That is the question. If one reads that in context with the above, the time referred to is May 22, 1956, and the answer given is "yes". The next question:

**Q.** Had you reached the decision that it was favourable or unfavourable?

**A.** I felt that it was favourable to the City.

At the bottom of page 415, the question is:

Do you recall on one of the occasions in or about this time,—

This is June 3.

—a Mr. Crozier from the Fuel Board making any speech or remarks in connection with the NONG franchise?

**A.** Yes, I do; Mr. Crozier attended a meeting of Council, and I believe that the main reason for his attendance was to give assurance to the Council as far as the establishment of rates and that type of thing, that we would know that they would be government-controlled, and I think he mentioned one of the experiences was that the history of any gas rates had usually shown that they had been reduced over the years, and this was a thing that was of concern to us.

**Q.** And did his talks help reassure you as an Alderman, on the decision you eventually took on the franchise?

**A.** Yes.



This is at page 416. At page 417, briefly:

Q. Can you recall who appeared to be most in favour of the granting of the franchise at this time?

A. I don't think that there was any one or two, or like any particular group of Council who were overly, you know, in favour of it; I mean, as much as anybody against it.

Q. Can you recall any particular remarks, if any, being made by Mayor Landreville at that time?

A. No, I couldn't.

At page 418, he states:

Were you ever invited out to Mayor Landreville's house in the summer...

He says:

I attended a party at Mayor Landreville's...

He also states at line 10, with reference to the gas franchise:

No, I don't believe I discussed that at Mr. Landreville's house.

A Committee member has already commented that I need not dwell on this. Page 422 is of importance; at line 8:

In other words, as far as the terms of the franchise itself were concerned, they were apparently acceptable to the Council. It was just a question of waiting for this collateral agreement, is that correct?

A. Yes, I would imagine so, too, because of the fact that—at least, it was a third reading. As a rule, by the time the by-law would be at the third reading, everyone would be pretty well agreed upon what it should be.

At line 22:

Now, I suggest to you at no time, and I mean at no time,

This is a question by Mr. Robinette.

—Mayor Landreville attempted to—he didn't attempt, I suggest, to put any pressure on you or any improper methods on you to vote for this franchise?

A. Yes, that is correct.

Q. He never did?

A. Never.

Mr. Fortier: I did not want to interrupt here, Mr. Justice Landreville, but it should be

pointed out that this question, which you have just read, was asked by Mr. Robinette of every member of council who had sat during the years 1955 and 1956. In all cases the answer was "no" there was never any attempt by Mayor Landreville to exert any pressure; would that be a fair statement?

Mr. Landreville: Well, counsel for the commission did put some questions to some of the members.

Mr. Fortier: But your attorney asked this question—

Mr. Landreville: Yes.

Mr. Fortier: —this very same question— as well he needed to, I thought—and the answer in every case was always: No, there was no pressure from Mayor Landreville.

Mr. Landreville: Yes, with variations, which I would like to just underline. In the same book at page 434, Alderman Hartman who, incidentally, this year is mayor of Sudbury, at the bottom of the page you will find at line No. 26:

You will notice that there is some urgency by now; did you get the impression from the Mayor, or anyone else, about this time that there was beginning to be an urgency about the granting of the franchise?

A. Well, I remember Mr. Crozier was at one meeting, and he seemed to be a little impatient; he felt we had dilly-dallied a long time, and it was time we were doing something; that is all I remember.

At page 436, the first line:

And, again, I think you made a motion or took part in the seconding of it. Again, that was just a mechanical function, was it?

A. It was, excepting as I say, I felt it was a good thing for the City, or I wouldn't have moved it.

At line No. 7:

Well, throughout this, you felt that the franchise was good and you should have approved it?

A. Yes, I felt that we should have this gas franchise.

At page 437, question by Mr. Morrow:

Do you recall the Mayor, Landreville, taking any part in the debate?

A. No, I don't recall Mr. Landreville doing so.

At the top of page 438:

A. I don't think he took any active part.

The question, at page 437, was:

During these proceedings in Council or in the Board of Control, Mrs. Hartman, particularly when you reached the point where you were seriously considering the Northern Ontario Natural Gas Company as a holder of the franchise, did Mayor Landreville appear to have any attitude for or against this franchise?

This question was put by Mr. Morrow. The answer was:

I don't think he took any active part. I suppose he would either be in favour of, or against, but he didn't—

Q. What is your recollection?

**Mr. Robinette:** Let her answer, please.

**The Witness:** But I don't think he brought any pressure to bear, if that is what you mean. There was no particular pressure at any time, but I think—

**Mr. Morrow:** Q. What do you mean by pressure?

A. I don't think he took a very active part in the argument.

Then at the bottom of the page, the witness refers to Mr. Crozier:

... Mr. Crozier, I think, made me feel that there was certainly no risk.

At the bottom of page 440:

Q. And may I assume from your evidence that, at no time did Mayor Landreville make any suggestion to you of an improper character or put any improper pressure on you with reference to the NONG franchise?

A. He put no pressure on, of any kind.

The question was put by Mr. Robinette. Now, Alderman Edgar, very briefly, again, at page 449, Alderman Edgar subsequently became mayor of Sudbury two or three years after this:

• (3.45 p.m.)

Q. Do you recall whether there was any note of urgency in the proceedings that evening?

A. Yes, I felt that there was a note of urgency.

Q. Do you know where it came from?

A. No, sir, I don't,—yes, sir, I, as I recall, think that I felt I got the sense that there was an urgency from Mr. Crozier.

**The Commissioner:** There was what?

**The Witness:** A sense of urgency; I think I got that from Mr. Crozier.

Q. By the way—

And we we are speaking of the July 17 meeting.

By the way, with respect to the franchise by-law on 22nd of May, 1956, it had its first and second readings, and then it was finally passed on July 17th; in so far as you aldermen were concerned at this time, was the third reading generally looked upon as just a superficial thing, or what?

A. Yes, sir. I would say that the third readings of by-laws are considered to be a closing formality whereby the discussion has taken place ahead of time.

And now I jump over to page 450.

Q. Do you consider—

I must refer to line 11.

Q. Now, sir, subsequently in or about June 1957, were you given an opportunity to acquire some units in Northern Ontario Natural Gas ahead of the public offering, but at the price they were to be offered?

A. I was offered units, I believe, at the, in 1958 at the time that it came out on the open market.

Q. Did you consider they were being given to you in any way as an incentive for the way you had voted the year before, or as a gift, or as a bribe?

A. I didn't consider they were given to me as a bribe, although I did consider that I was getting them by virtue of the fact that I was then on council.

Q. I see; was there any secret made of this fact, that you and other Councillors received this right to buy?

A. No, sir, I don't think so.

At page 459.

**Mr. Fortier:** Page 451. Excuse me. I think it is only proper to point out that the shares which are referred to here in this testimony of Mr. Edgar are not those that were offered in 1956, but rather those that were offered at



the time of the public offering in June of 1957.

**Mr. Landreville:** That is quite correct. I think I clarified that point. I may explain. After I left Sudbury my successor was one Joe Fabbro who followed and whose testimony is here and the evidence will disclose that Mr. Farris at a public banquet did say that he would make a very special effort to make sure that the common shares of NONG would come into the hands of Canadians. There was a bit of, shall I say, national feeling to that in view of the attitude which permeated the policies of the Trans-Canada Pipe Line to make it a Canadian owned utility as much as possible. Therefore, Mr. Farris gave to Mr. Fabbro, in advance of the public, a list of names for units to be bought. These units consisted of a debenture of \$20, any common share of \$10. These were offered to all council members. Some refused to buy them and some did buy them and within a few days resold the common share and just kept the debenture, and the common share went to \$14 and \$15.

**Mr. Fortier:** But this was long after the exchange of letters between yourself and Mr. Farris in July, 1956.

**Mr. Landreville:** Yes, not in July. This took place—

**Mr. Fortier:** This is long after the exchange of letters between yourself and Northern Ontario in July, 1956.

**Mr. Landreville:** Quite agree.

**Mr. Fortier:** I just did not want the members of the Committee to be mistaken.

**Mr. Landreville:** Exactly. And to be fair, I do not wish this Committee to be confused with that because my affairs with Farris took place in July, 1956, and this affair of units and offers came towards March and April of 1957, some months later. I am simply pointing out, and the evidence is permeated with those points, that units were offered and shares were sold widely throughout Ontario on that basis.

At page 451: This is a question put by Mr. Morrow, the counsel, at line 11.

Q. Well, did anyone appear to dominate, or push through things in Council during the period 1955, and particularly 1956, to your recollection?

And Mr. Edgar answers:

A. Well, I think the Mayor showed

leadership, but he certainly didn't show any particular urgency, or he certainly didn't put any undue pressure on me, whatsoever.

Q. He just got, he just got things done, is that it?

A. That is right.

and at page 453,—it refers here to the comment in this question made by Mr. Murphy who is the Clerk Controller of many years standing of the city of Sudbury and Mr. Murphy at this meeting of July 17 when the by-law was read for the last time, as you recall, was asked. This is the minute book referred to as an Exhibit filed, the minute book of the city of Sudbury.

...the Mayor asked Mr. Murphy what he thought of the franchise agreement, and he replied that in his estimation Mr. Kelly had done a good job, and he felt that it covered all of the municipal requirements.

Mr. Edgar in his evidence refers to that as a fact. Now, we are going to go to Alderman Jessup at page 458, line 13.

Q. And what about the position of the Mayor, if you could observe any position at the time?

A. Well, the Mayor in his capacity as mayor, always gives leadership to the Council, naturally, I wouldn't say that there was anything in particular regarding the gas franchise other than what we had in our general business.

Q. He was, is it fair to say, the leader?

A. Pardon?

Q. He was the leader?

A. That is correct.

And I go to the next. Mr. Jessup was a broker incidentally, the next party, Mr. Jarrett, an engineer, at page 457.

**The Joint Chairman Mr. Laflamme:** Would it be possible, Mr. Justice, when referring to the evidence and stating the name of anyone to establish precisely in what capacity. You have talked about Mr. Murphy, Mr. Morrow and some others and when you refer to names put in the evidence would you please state in what capacity they were either asking questions or testifying.

**Mr. Landreville:** I shall do so.

**The Joint Chairman Mr. Laflamme:** Thank you.



**Mr. Landreville:** Alderman Jarrett, at page 467 line 2, questioned by Mr. Morrow, said:

Q. Did you ever meet him socially?  
A. Yes.

Q. When was that, approximately?  
A. On one occasion at a party.

Q. Would this occasion be at any particular house; can you recall where?

A. At the Mayor's house.

He is referring to Mr. Farris at the time. At line 21—

Q. Where there any women there, wives, the wives of Councillors?

A. Yes.

Q. Do you recall Mayor Landreville being there?

A. Yes.

At page 470—I beg your pardon at page 469, question by Mr. Morrow.

Q. Did you ever have a private, or an in camera meeting of Council, at which the matter was discussed, or at which Mr. Farris made any representations?

A. I do not recall one.

This is one of the rare questions, gentlemen, that was put because there is no evidence anywhere that there have been in camera meetings in which we dealt with the gas question. That has always been dealt at the Council. At page 470, the same witness, Mr. Jarrett, questioned by Mr. Morrow, line 26, and he is referring to July 17, on that page.

Q. By now, you were satisfied to grant the franchise?

A. Absolutely correct.

At page 471, line 4.

Q. Can you recall anyone during the time that you were on the Council during the period July, 1956 up to July 17th, 1956, that might have been pushing for the franchise, that is, attempting to hurry it along?

A. No.

Q. No one in particular?

A. No one in particular.

Mr. Morrow continues his questioning at line 16.

Q. Do you recall Mayor Landreville taking any particular part in any of the

debates with respect to the franchise by-law during the period we are discussing?

A. Only as leader of the Council, as Mayor and leader of the Council.

Q. Nothing special stands out in your mind?

A. Not particularly.

And at page 472 he mentions receiving an option to buy shares in the spring of 1957, as pointed out by Mr. Fortier. At page 475 he is under cross-examination by Mr. Robinette and at line 13—well, I can pass over that. At the bottom of the page, line 29:

Q. I suggest to you also that, at no time did Mayor Landreville make any improper suggestion to you or use influence on you or attempt to pressure you in any way, is that correct?

A. Absolutely correct.

And now, getting to the end, Alderman Cormack, at page 484. The question was put by Mr. Morrow.

Q. Do you recall any remarks being addressed to the meeting by Mayor Landreville on that occasion?

A. Yes, I think that in his capacity as the Mayor, he provided a great deal of interest in the discussions that took place; he indicated to me, or his actions indicated to me, that he was anxious to get this signed, but I wouldn't say that it was any different than a lot of other matters that came before Council.

I am reading now from page 485.

Mr. Landreville always did provide very strong and aggressive leadership, and I would not say that it was any different from any of the other matters that were dealt with.

At page 486 he mentions receiving an option to buy stock and he also in that evidence said that he was not invited at my home. He said he disposed of the shares, and I read at page 487:

A. Well, I gave this a little thought, but I disposed of it with the feeling that it could not be interpreted that it was any form of a bribe.

At page 493, Alderman Cormack, questioned by Mr. Robinette.

Q. No. Now, may I assume, and I put it to you that Mayor Landreville at no

time attempted to use any pressure on you or any improper inducement with respect to the way you voted with reference to NONG?

A. No. As I pointed out earlier, Mr. Landreville was always showing great leadership in all matters, and certainly he indicated to me that he was very anxious for the passing of that by-law that night.

Q. Right.

A. But I wouldn't want to construe this as being that he was putting pressure on me for any personal reasons, to have this passed.

Q. No. Tell me, was it characteristic of Mayor Landreville that, in doing the City's business, he was urging in many matters that Council should make up their minds, one way or the other, and not postpone the decision. Was that characteristic of him.

A. Oh, yes, very much so.

That disposes of that Alderman. Alderman Theriault at page 495, correction page 497, at line 20, questioned by Mr. Morrow:

Q. Do you remember Mayor Landreville taking any particular part in the meeting on that occasion?

A. No, he only acted as leader of Council.

And he also refers to his acceptance of an option for the purchase of shares which he did not consider a bribe. At page 498, no, that is not the correct page—499 at line 7, Mr. Theriault:

Q. And is it fair, to summarize it very quickly, Mr. Crozier was urging the Council to get on with the matter, and in effect, settle the form of the franchise and give it to NONG?

A. He did.

Then, gentlemen, there are just one or two more. We will examine in Book V of the inquiry, the evidence of Alderman Guimond at page 508, questioned by Mr. Morrow, line 1:

A. I presume it was all these communications from the Fuel Board and mainly the Fuel Board who told us that possibly Sudbury, or the northern part of the province, would be by-passed by the pipe line.

This is in answer to Mr. Morrow.

Q. And this would be a firm—Mr.

Crozier, I believe, actually attended before Council later, about July 3rd, 1956?

A. Yes.

Q. And he was creating a note of urgency as well?

A. That's right.

This deals with this witness. The next witness is at page 509, Alderman Guimond, questioned by Mr. Morrow, line 3:

Q. Did you get any feeling at any time during the period that we are discussing, right up to July 17th, 1956 that anyone was pushing you with respect to the franchise?

A. No, I didn't feel that any particular person was pushing. It was a general movement.

At page 512, line 8:

Q. Now, you, I think, have recalled July 3rd, 1956, when Mr. Crozier was there; he answered a lot of questions, did he?

A. Yes, he did, sir.

Q. And did he reassure people, such as yourself, who were on Council on a lot of the problems that Mr. Kelly had been raising?

A. Yes, he did.

Mr. Kelly is the City Solicitor, if I may remind you.

Q. Did that have any effect in changing your attitude towards the by-law?

A. No, it didn't.

Q. You still wanted to assess the situation with Inco; is that right?

A. Yes, sir.

And at page 513, line 23, question by Mr. Morrow, the same witness.

Q. Do you recall Mayor Landreville making statements at that time?

And this refers to July 17.

A. No, I don't.

And at page 514 he says he did not receive an option to purchase stock. Yes, he did receive in the mail an offer to purchase stock. That was, again, in April '57. At page 520, it deals with the question of rates which were not to be put in the agreement.

At page 522, a question by Mr. Robinette, at line 21:

Q. The Mayor didn't put any improper pressure on you?

A. He didn't.

Q. "Q. You did that of your own free will?"

Answer: "That is right". Is that true?

A. That is correct.

At page 526 he sets out the note or urgency. Now, we consider very briefly, at page 528—the next witness was P. H. Murphy, Clerk Comptroller of the City of Sudbury and at page 538, question by Mr. Morrow:

Q. Would it be fair to say, sir, that by April 14th, 1955, Northern Ontario Natural Gas was pretty well fixed as the person that was going to have the franchise and they were starting the ball rolling by presenting a by-law, a draft by-law?

A. I think it was safe to say that, if anyone was going to get the franchise, it would be they.

And he mentions at 539 that they had already signed up several municipalities.

The next witness is Judge Cooper but I am not going to deal with him at this time because I may refer to him later and he gives an appreciation of what he knows of me character-wise. I may disclose to you that he was my associate in law for some 14 years.

The Clerk Comptroller, at page 575—at the top Mr. Robinette is questioning Mr. Murphy and reading to him a question:

"Q. Did you ever see any occasion during the discussions where Mayor Landreville put pressure on anyone to do anything other (than) their duty of their own free will?" and your answer was "No". Is that correct?

A. That is right.

The next witness briefly again, is Thomas L. Hennessy, City Engineer, and the engineer had something to do in the drafting of the terms of the agreement. At line 11 of page 605:

Q. Now, you have described your first observation of Mr. Farris around City Hall, and that is when he appeared and was not heard; did you have any contact with Mr. Farris after that, that is, shortly afterwards?

The question was put to him by Mr. Morrow. He answers:

A. I don't know how shortly after, but certainly I was involved in discussions with Mr. Farris, in collaboration with Mr.

Kelly again; the two of us spoke to him on a number of occasions.

Q. Now, would this be in Council or in your office, or in some other office?

A. Primarily, in Mr. Kelly's office, the Solicitor's office.

Q. And Mr. Farris would actually, would he come in and discuss the franchise?

A. That is correct.

And we stuck to the discussion of the franchise. And Mr. Hennessy at page 610 in answer to a question put to him by Mr. Morrow says, at line 6:

A. I wasn't against Northern Ontario Natural Gas receiving a franchise from the City of Sudbury.

And at page 613, Mr. Hennessy says in part, at the top of the page that:

Mr. Farris' reaction was that he suggested we obviously knew nothing about the gas, or the distribution of gas, or we wouldn't make these ridiculous suggestions as far as clauses to be included in the contract.

I only insert that to possibly have an understanding of the reason for the delays in the passing of the franchise.

And at page 616, at line 6, Mr. Hennessy, questioned by Mr. Morrow gives the answer:

A. Well, I believe Mr. Crozier suggested something along—

I beg excuse.

• (4.15 p.m.)

At page 615 at the bottom, Mr. Hennessy questioned by Mr. Morrow, answers:

I think there was a number of suggestions. One was, if the City did not act with respect to the franchise quickly enough in the negotiations and business between Northern Ontario and Trans-Canada, that Sudbury could end up being without gas services entirely.

Q. Do you know where that came from? Can you us who might have said or suggested it?

Answer by Mr. Hennessy:

Well, I believe Mr. Crozier suggested something along this line at the time of his meeting before Council.

At page 622 he refers to the feeling of urgency which Mr. Crozier impressed.



At page 623, a question by Mr. Robinette:

"Q. The Mayor was urging you and Mr. Kelly to clean up the details in conference with Mr. Farris?"

and your answer is recorded:

"A. That is correct".

Gentlemen, unless you wish to question me on that part, there is a slight allegation in the Rand Report indicating that I am intolerant to subordinates; that was one of the characteristics ascribed to me by the Commissioner. The only piece of evidence that can possibly justify him in saying that is the fact that Mr. Hennessy and I at times could not see eye to eye and I refer to page 624, at line 14:

Q. The minutes of the meeting of July 7th indicate that Mr. Murphy said that Mr. Kelly had done a good job; do you agree with that, that Mr. Kelly had done a good job?

A. I think he had done his best, yes.

Q. Possibly some of the difference between you and the Mayor is that you are a determined man and maybe the Mayor is too?

A. That is quite possible.

Q. Could it be a matter of personalities?

A. Do you mean the general relationship between me and Mayor Landreville?

Q. Yes?

A. I would say very definitely.

I only mention this in passing as to possibly justify the Commissioner in calling me subordinate. But, Mr. Hennessy's nickname is called Spike and as such that may be indicated.

**Mr. Fortier:** Was there not, Mr. Landreville, also evidence by, I think it was Alderman Theriault or Guimond of an altercation at one point between yourself and this alderman.

**Mr. Landreville:** Yes. That is referred to in the transcript in this case as well as in the preliminary hearing in Sudbury saying in effect that I scolded him but he was questioned and answered that it had nothing to do with the franchise.

**Mr. Fortier:** I am not implying that.

**Mr. Landreville:** No. It was just because he was not doing his homework as he said himself.

**Mr. Fortier:** Could that conceivably in the opinion of the Commissioner have been another evidence of "intolerance"?

**Mr. Landreville:** Possibly, but if that is in issue, and as yet I have on my list of witnesses a girl who has worked for years in my office—

**Mr. Fortier:** No, no I raise the point only because you have singled out this sentence in Commissioner Rand's report.

**The Joint Chairman Mr. Laflamme:** I do not think the Committee will take that into consideration. It has no relevancy.

**Mr. Landreville:** Mr. Chairman; it is all very well to say that the Committee will not take this into consideration, if I may just comment at this time, this is to me a great worry. This is an official document which is before the government of Canada and this document, while it purports to refer to, as a fact finding commission bears a semblance of veracity. It will stand on my name for the rest of my life.

Is this going to be deleted, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** I must remind you at this point that the terms of reference and the conclusions by Justice Rand in his report will have to be considered very carefully by the members of the Committee, but I do not think there will be any issue of the reference to the character.

**Senator Macdonald (Cape Breton):** May I interject at this point.

I would suggest we let the witness go along in his own way. I can see where he wants to put on record, even if it is not a material matter as far as we ourselves are concerned, his version of some of the things mentioned in that report, so I suggest we continue.

**Senator Hnatyshyn:** Another thing that bothers me personally, Mr. Chairman, and why I think this evidence should go in is the very severe way in which the Commissioner speaks of Mr. Justice Landreville. I know our Counsel has said some of this is *obiter dicta* if, for instance, I was convinced that he is overdoing it, I would not pay much attention to his other recommendations. I think this sort of evidence is important.

**The Joint Chairman Mr. Laflamme:** I raise the matter, sir, because Justice Landreville has asked me if we will consider those matters because it was of great importance to him.

**The Joint Chairman Senator Lang:** Perhaps the judge will not labour them as long, after these few remarks.

**Mr. Landreville:** You are I understand referring, Mr. Chairman, to the factual evidence of the transcript; is that it?

**The Joint Chairman Senator Lang:** The remarks made by the Commissioner with regard to your personal characteristics.

**Mr. Landreville:** I am grateful to you, but that is all very well to say this, that we are not going to look at this, but I will make my point later, gentlemen, in analysing the Rand Report, and make my submissions in how the Commissioner has arrived at his conclusions in the light of the character that I have; and because of the character that I have, he has arrived at certain conclusions and they are correlated. That will be just in a brief word my submission and, if I may continue, Mr. Chairman, I shall not be long with this. I know it is tedious.

Controller Fabbro says on page 633, at the bottom, in answer:

I think it was generally accepted that gas was a good thing for the area. It was just a matter of getting the best deal that was possible for the city.

I interject. You will recall that Controller Fabbro was the one that objected to and voted against the franchise on July 17.

And a question by Mr. Morrow at page 634:

Q. And was it generally accepted as of this time that the Northern Ontario Company would be the company, if anyone got it?

A. At some particular point, and I would believe that it was around this time, there was only one company left that we had been negotiating with.

Q. And by now, the Farris company was the only serious contender for the job?

A. I would say so, yes.

That is referring to May of 1956; Mr. Fabbro being questioned by Mr. Morrow—Mr. Fabbro was the Deputy Mayor at the time—on page 639, line 5:

Q. And what about Mr. Landreville, the Mayor?

A. We got along very well.

Then, on page 642, and this is with reference to the final reading of the bylaw, line 18, question by Mr. Morrow.

Q. Can you you recall if there was much debate that night in respect to the franchise?

A. I think there was enough debate to cover the subject.

Q. Do you recall who took part, or who seemed to be the one most in favour of passing the franchise that night?

A. I don't think there was anyone specifically.

Q. No one specifically; do you recall hearing Mr. Farris on that occasion, did he say anything?

A. I don't believe I recall that.

On page 643, a question put to Mr. Fabbro by Mr. Morrow, line 21:

Q. During the whole period that we are discussing, leading up to July 17th, 1956, in this matter, what is your observation or memory of the attitude that Mayor Landreville took in respect to the gas franchise, if you have any memory of an attitude?

A. Oh, I believe Mayor Landreville was just following the responsibility of a mayor, that he had to give leadership, and proceeded to do so.

Q. That is your observation and memory?

A. Yes, it is, very definitely.

On page 647, I do not want to belabour the point but Mr. Fabbro was Mayor succeeding me and at line 16, he said:

A. I think the number was 1600 units.

Q. 1650, was it not?

A. In that vicinity, sir.

Q. In that vicinity. You subscribed to these?

And he says he would hardly not consider that a reward for the work that he has done for the company as a favour as he purchased it. That is referred to at page 648.

On page 649, line 10, cross-examined by Mr. Robinette, the same witness, Mr. Fabbro:

Q. Mr. Fabbro, you made it very clear, that, in your opinion, that you thought that Mr. Landreville gave leadership on this gas problem during 1956?

A. I considered it as such, yes.

Q. And I suggest to you that at no time did Mr. Landreville use any pressure or



attempt to influence you improperly in any way?

A. I would suggest that he did not only influence me, but I doubt if he had used any influence on any members of Council, because it would have been a known fact.

Q. Right. And, during this period, Mr. Crozier was before the Council on at least one occasion and maybe more often. Is it fair to say that Mr. Crozier was, in effect, telling the Council that the matter was urgent and they should make up their minds?

A. He did.

Now, this is belabouring the point but at page 652 the question is put:

Q. And I may take it then, from your evidence, that Mr. Landreville did nothing improper as far as you are concerned; didn't use any undue pressure or influence on you, and that you saw no evidence of that, as far as any effort on his part with respect to any other member of the Council? Is that correct?

A. This is very true.

On page 655 there is a discussion between the Commissioner and Mr. Fabbro as to why Mr. Fabbro was in favour of a subsidiary company, and the Commissioner disagreed with him that it would bring any benefits whatsoever. I will read the Commissioner's answer on page 655, line 24:

Well, do you think you could attain that by merely creating a subsidiary company?

That point may not be of importance.

At page 658 the Commissioner states:

I must confess that I don't know what you mean when you say you would have an advantage by having a subsidiary company which would act as a parent company directed.

The Witness: Well, perhaps history will prove it.

The Commissioner: Well, perhaps it will; Mr. Landreville was a man of courage and force, as I understand from you?

The Witness: That is correct.

The Commissioner: And a dominating figure as Mayor?

The Witness: I think he was a good leader.

The Commissioner: I asked you if he was a dominating personality?

The Witness: No, I don't think so.

The Commissioner: Oh, you didn't feel the force of his personality when you took a certain stand?

The Witness: No.

The Commissioner: You did not?

The Witness: No.

The Commissioner: Did you always agree with him, or generally disagree?

The Witness: Oh, we generally agreed.

The Commissioner: And there was no suggestion that it would look better if you had some opposition to the Council?

The Witness: Very definitely not.

Controller Waisberg of the City of Sudbury at Page 669, line 11, was questioned by Mr. Morrow.

Q. Do you recall, yourself, any particular urging or pressure being applied by Mr. Landreville?

A. No, none whatsoever.

At page 675 he is referring to when the bylaw was passed and the question by Mr. Morrow was:

Q. You were reassured, then by Mr. Crozier?

A. Apparently I was. As I said before, I came away from that meeting with the feeling that the matters were adequately provided for.

I may point out on page 677, in view of some article in a magazine which referred that I had held a reception at my home especially for the Gas Company there.

There has been such an article, which I have—

• (4.35 p.m.)

**Senator Hnatyshyn:** It was in *Maclean's*—

**Mr. Landreville:** That is so.

**Senator Hnatyshyn:** And the one that you are referring to was in the *Toronto Star*?

**Mr. Landreville:** Yes; and it was filed as an exhibit before the Commissioner and; of course, I did not go into that, I did not consider it of importance, but here there is no evidence of my holding a meeting at my residence at which a substantial or important number of council members attended and Controller Waisberg: at the bottom of page 676:

Q. Were you ever invited to a reception or a party at Mayor Landreville's



house at some time prior to July 17, 1956?

A. Well, I was invited to Mayor Landreville's house on one occasion with other members of Council and I don't know the date of it. I don't know whether it was prior to or subsequent to the Natural Gas but it was held with reference for the purpose of having a discussion on the problem of amalgamation, and that is all that was discussed; there was nothing else discussed. There were some plans there, and there was the Landreville plan and there were the other plans, I forget what they were called, and everybody had lines in different places in which they thought would be the proper place for the area for amalgamation.

I stop there.

**The Joint Chairman Mr. Laflamme:** The article referred to by Senator Hnatyshyn is filed as exhibit 73.

**Mr. Bell (Carleton):** By whom was that exhibit filed?

**Mr. Landreville:** It was filed by Mr. Morrow, and I may say, I will get to that later in analysing the report. I did not draw any comment. There is something said in the report which begs an answer. At page 680 the witness Harry Waisberg, who is a practising solicitor, at the top simply mentions that I in fact had a very good practice, whatever that means. Page 681, questioned by Mr. Robinette:

Q.—May I assume from your evidence, Judge, that at no time did Mayor Landreville influence you or attempt to influence you with reference to the franchise to Northern Ontario Natural Gas; is that correct?

A. That is correct.

Mr. Robinette: Thank you.

The Commissioner: Did Justice Landreville at any time tell you he had acquired substantial numbers of shares with Northern Ontario Natural Gas Company?

The Witness: No.

I will at the proper time explain to this Committee that the majority of the council did not know and were not informed when I received the shares, in February, 1957, and the reasons for it. I wish to just underline very lengthy evidence, but there is only one

item on page 693. Mr. Ralph D. Parker was at the time the Vice President and General Manager of International Nickel Co. with offices in Copper Cliff, and he is the gentleman whom, as you may recall, I interviewed with Mr. Farris. I said to you this morning we drove over to the general offices and the office of the Vice President and that question, at 22, put by Mr. Robinette to Mr. Parker:

Q. Was there any other company on the horizon at this time, speaking of 1956, in a position to deliver gas to you other than NONG?

A. None that I know of.

Dr. Harcourt's evidence,—he is the next witness and we go to page 704 in which he speaks of a memorandum. Mr. Chairman, may I have a short rest, and rest your ears.

**The Joint Chairman Mr. Laflamme:** The Committee is adjourned for 10 minutes.

—After recess.

● (5.00 p.m.)

**The Joint Chairman Mr. Laflamme:** Order, please. We will now resume, Mr. Justice Landreville.

**Mr. Landreville:** Mr. Chairman, I am referring now very briefly to the evidence of one Dr. George A. Harcourt. He describes himself as living in Toronto, and an assistant to the Vice president of International Nickel Company.

At page 704, Dr. Harcourt, assistant to the Vice President, is giving his evidence and he reports of a memorandum that he made of March 2, 1952, from a conversation with one Tomlinson. Tomlinson is the engineer for NONG. Dr. Harcourt of International Nickel said here:

"Telephone conversation with Tomlinson, March 2, 1956. Tomlinson stated that Sudbury's Major Landreville is willing to start action to recognize NONG for franchise purposes, provided NONG can show a letter from INCO which indicates that INCO has received a proposal from NONG, which will form the basis for a contract. Such a letter should indicate that INCO will deal with NONG, and is not negotiating with some alternative company.

I stop there gentlemen to add a comment which is in line with what I said this morning that my stand was a wait and see until what INCO was going to do. Dr. Harcourt in his memo, reflects that very thing and corroborates my statement.

I am going to go on to the next witness who is Controller Monaghan and he has become the MPP for Sudbury. On page 723, there is a letter on file which is Exhibit No. 102, a copy of a telegram sent by Major Landreville to J. G. Monaghan, MPP dated February 20, 1956. Mr. Morrow questions:

Q. Also with the same date, a letter addressed to you from Major Landreville, I understand. Do you recall receiving the original of that, sir? You will notice in the second paragraph he refers to sending you a telegram.

A. Yes.

Q. You will notice that he says:

"The policy I have recommended to Council over the last year is two-fold:

Firstly that we heartily desire and wish service of gas to this area.

Secondly that if the International Nickel Company sign with a distributing firm we will most likely sign with the same company."

Then, he goes on to discuss costs.

The telegram and the correspondence exchanged between Mr. Monaghan, as member of parliament and myself may be of interest to you in that respect, in our exhibits, as I have referred to.

At page 727, line 12, on a question by Mr. Robinette:

Q. As I read that, Mr. Porter—

And this refers to the Hon. Dana Porter.

—was of the view, as early as November, 1954, there should be one company?

A. That is right.

At line 25, and I will only read part of it—

—and again in Toronto, and he was indicating to Sudbury some feeling of urgency in closing the deal with NONG?

A. That is right.

At page 728, Mr. Robinette says:

Q. It wasn't Mr. Crozier, it was government policy to get the transaction through?

A. That is right, yes.

At page 733, John Joseph Kelly, City Solicitor, says that he got samples of agreements from Mr. Crozier to draw the franchise. Please bear with me gentlemen and counsel please follow me. At page 736 just to summarize it, he said in January and Feb-

ruary, 1955 and months following, there was no rush in this matter. I think that is a wait and see attitude prevalent.

At page 741 Mr. Kelly is asked by Mr. Morrow:

Q. Have you any method of establishing when, or by whom, or how you were reactivated, if I may use that word, into starting this gas franchise?

A. I have endeavoured to recollect that and I believe I would receive instructions verbally from the Board of Control to proceed with that matter some time, I would say, probably about April...

I stop at that line and I simply add my evidence which transpires in the transcript that at the Board of Control following Mr. Howe's message and the urgency of the matter, I have stated under oath and I repeat that I am the one—I believe at Board of Control I told Mr. Kelly to get going on this agreement.

At page 743, line 21, it states:

...up to this date it had not been too much of a subject matter for Council meetings?

On page 753, Mr. Kelly is being questioned by Mr. Morrow and at line 4 it states:

Q. Did Mayor Landreville take issue about this letter and its effect, with Council at that time?

The letter he is referring to was in June. Is that correct?

**Mr. Bell (Carleton):** The letter about which there was a discussion this morning.

**Mr. Landreville:** Yes, the very same letter. It came in and stopped our meeting dead, because we were about to give the bylaw a third reading. Mr. Kelly came in with this letter, with a lot of objections to it and we stopped. We took the train and went to Toronto on June 21, to discuss it with Mr. Crozier, who made his objection.

I refer again to page 753;

Did Mayor Landreville take issue about this letter and its effect, with Council at that time?

A. I can't recall any specific direction or instructions or, you might say, from His Worship the Mayor, at that time.

**The Joint Chairman Mr. Laflamme:** I am sorry to interrupt you, but the bell is ringing and I think perhaps there is a vote in the



house. We could resume our meeting at 8 o'clock tonight.

**Senator Hnatyshyn:** It is quite strenuous for anyone giving evidence, and it is even quite strenuous for members of the Committee to sit all day and I would suggest that instead of sitting tonight, we sit tomorrow night when the house is not sitting. If we sit tonight that would mean that we have been sitting from 9.30 this morning until perhaps 10 o'clock tonight.

**Mr. Bell (Carleton):** Some of us do make engagements for Wednesday night.

**Senator Hnatyshyn:** Well, then why not sit tomorrow morning?

**The Joint Chairman Mr. Laflamme:** We have a meeting scheduled for tonight at 8 o'clock and unless a majority of the members decide not to sit tonight, I think we will have to call that meeting.

**Senator Hnatyshyn:** I am just making that suggestion.

**The Joint Chairman Mr. Laflamme:** We will resume then at 8 o'clock tonight.

## EVENING SITTING

Tuesday, February 28, 1967.

• (8.05 p.m.)

**The Chairman:** Order. I think we have a quorum and we will continue listening to the evidence as given by our witness, Justice Landreville.

**Mr. Justice Leo A. Landreville:** Mr. Chairman and gentlemen, on adjournment I was dealing with the evidence of the City Solicitor, J. J. Kelly and I had about completed what he had said. I am now referring to the transcript of Mr. Kelly at page 751.

**Senator Fournier (de Lanaudière):** Would you please repeat that. There is some noise and two other members are just coming in.

**Mr. Landreville:** Yes, Senator. I was referring to the evidence of the City Solicitor, Mr. Kelly, questioned by Mr. Morrow, counsel for the commission, and I am referring now to page 753 of the transcript and the question put by Mr. Morrow, to the City Solicitor was:

Q. Did Mayor Landreville take issue about this letter and its effect, with Council at that time?

I refer now to prior to our adjournment. It was the letter of June 15th or 19th which sort of stopped the proceedings. The answer to that question by Mr. Kelly is:

A. I can't recall any specific direction or instructions or, you might say, from His Worship the Mayor, at that time.

Q. Did you, at any time, during this period, and let us go up to and including June 19th, 1956, have any altercation with the Mayor, or were you subject to any criticism by him for your tactics in this respect?

A. I can't help but read the papers with respect to this inquiry and I can see that there has been terminology used that I can't specifically recall. I do know that properly I would suggest His Worship the Mayor would have differences of opinion on different points, not only this matter but other matters as well. Mr. Justice Landreville, being the Mayor at that time I presume he felt he also had the legal training that allowed a different conclusion than I might give to in different matters.

Q. Do you have any recollection yourself as being what you might call, called on the mat?

A. I have read reports of that and if Mr. Hennessy said that, I would have to agree with him. I have no direct knowledge.

That was at page 753. On page 758 refers to—you will recall the report for a subsidiary company. There was a committee appointed and on page 758 the reference is at line 18:

Q. Now, sir, towards the latter part of the efforts with respect to the franchise, did the subject of some type of subsidiary company come up?

A. Yes.

Q. Do you recall that?

A. Yes. Mr. James of the firm of Crawley and Company, I believe, one of the resident partners, and who was actually one of the City Auditors, and myself, were directed to write a report on the feasibility of this—of a separate company coming into existence for the Sudbury area.

That is an Exhibit 56 which is a report from Crawley and Company from this special committee and I may give you the purport of that report.



They saw no benefit for the City of Sudbury to require or oblige NONG to form a subsidiary and that was decided in the beginning of August.

At page 763, a letter of July 15, 1956 was filed as Exhibit 113, that may be referred to in the back of your report—113. This letter again is referred to here.

Then, Mr. Morrow as—

**Senator Hnatyshyn:** Is that not in your report?

**Mr. Landreville:** This is simply as an Exhibit.

**Senator Hnatyshyn:** Oh, yes, an exhibit.

**Mr. Landreville:** It is referred to as an Exhibit. I am referring to page 763 of the transcript, a question put by Mr. Robinette to Mr. Kelly:

Then, Mr. Morrow has kindly produced a copy of a letter from Mr. Crozier to you, Mr. Kelly, dated July 20th, in which he says:

"In reply to your letter of the 14th instant, this is to advise the Board on July 16th, approved the terms and conditions of the re-drafted franchise agreement enclosed with your letter, subject to the following amendments;"

To refresh your memory again, the franchise date is the 17th. It was passed at the council meeting, but the Fuel Board approved of the agreement on the 16th in Toronto. On page 765 pulling to the end, a question put by Mr. Robinette:

Q. May I take it Mr. Kelly, that certainly by 1956 the only question was the question of the terms of the franchise?

A. Yes, I think it was by me. The Council had decided that Northern Ontario Natural Gas was the company.

Q. And public utility was out the window and no other company was on the horizon at that time?

A. No, not economically.

Q. I don't think you said anything to the contrary, but I want to read one answer you gave me when I asked you a question in February at the preliminary hearing. I am reading from page 72, question 13, "I suggest to you that at no time did His Worship Mayor Landreville put any pressure on you to disregard your duties". Your answer was, "No, I would agree with that". Is that correct?

A. I will repeat that answer today.

And that completes the evidence of Mr. Kelly, the City Solicitor. We will just deal very briefly with the evidence of Tomlinson which is reported at page 769. Mr. Tomlinson was the engineer of Northern Ontario Natural Gas and he was the one occupied with the dealing going on with International Nickel; that was his field. He states at page 769:

Q. I understand on January 9th, 1956, you got a stock option to go to the new company.

A. That is right. It was the end—just before the end of the previous year, 1956—that is what I was trying to remember, when the actual change-over—

The point I wish to make here, and I will underline that later, is that I was not the only one to receive options and Mr. Farris and Mr. Spence Clark, the Vice President, disclosed that they had done this with their key top officers that they had intended to get in the company. Mr. Tomlinson, as he came into the company, they gave him that. Mr. Tomlinson, at page 780 in this transcript—and I wish not to belabour the part—confirms again the fact that I would direct my council to study the franchise when I received some assurance that International Nickel had closed their affairs with this company. And I say that after INCO has done so, it may take probably a month before we put through our bylaw and the formalities. Mr. Tomlinson, who had met Mr. Hennessey, that may explain some measure or relationship, on page 786, said of Mr. Hennessey:

Q. This is where you'd run into the rock problem, I suppose?

A. Yes. Mr. Hennessey had a little bit of rock in him as well as the city. He was a rigid engineer as far as the city was concerned.

At page 794 it is disclosed that there had been a precedent agreement executed by NONG with International Nickel at the end of 1955, the terms were not, however, settled by that time. And that is shown at page 794.

Now, the last witness is Mr. Crozier. I refresh your memory, Mr. Archibald Crozier was the Chairman of the Ontario Fuel Board and in book of the transcript he describes his part in this matter, his function as the head of the Fuel Board acting under the instructions of the government. And he states at page 806, and I quote at line 8:

Then, in the spring of 1955, I held an open meeting in Kirkland Lake with sixteen or seventeen municipalities present and went over all the details in connection—

And Mr. Morrow questions:

I think that is what we have been calling Exhibit 51, an open meeting at Kirkland Lake on March 9th, a resolution was passed that NONG would be the company and there would only be one company, do you recall that?

His answer is:

Yes, in fact, I believe this could be filed as an exhibit.

I underline this once more, coupled with the fact that in March 1955 I had not come into contact with any official of NONG at that date. At page 818 Mr. Morrow is questioning Mr. Crozier and particularly with respect to the hearings, a hearing in Sudbury. The question was:

Did any of these individuals—

And the individuals referred to above are Joseph Kelly, Murphy, and Mayor Landreville

—appear to be pressing, or lobbying, for any particular company?

A. No, I would say that there was a very open mind in my conversations with them. I know in the early stages that we spoke of Merchants Gas and Inter-county Gas Company. Now, I don't recall that they had any fixed ideas on a particular company.

At page 820 he repeats, again under question from Mr. Robinette:

A. No one put any pressure on me; maybe I was putting the pressure on them, to decide what they would like to do.

Q. That's what I thought but many members of Council, as a result of your trip to Sudbury and possibly as a result of some remarks you had made at one of the hearings, they might have got from you what I might call a sense of urgency about making up their minds? Is that correct.

A. That's correct. And this was Government policy, Mr. Robinette, at that time, that I believed I was carrying on.

Gentlemen, this is a very important answer that I submit to you, and if you will allow me

to repeat it, Mr. Crozier the Chairman of the Fuel Board said:

That's correct. And this was Government policy, Mr. Robinette, at that time, that I believed I was carrying on.

In short, the attention given by Mr. Crozier in seeing that these franchises go through, was government policy. At page 821 at line 23:

Q. After the meeting in Kirkland Lake in the spring of 1955, it must have been quite apparent to you and to the Government that the one company would likely be NONG.

A. Yes, because at a hearing we held in Kirkland Lake, I believe it was the Certificate Hearing, there were at least three companies appeared before us and gave evidence.

On page 822, line 18:

Q. Once the decision had been made by the municipalities in Northern Ontario that NONG would be the company, would it be fair to say that from then on it was Government policy, not only to have one company but that the Government, to put it at its very lowest, favoured NONG because it was the one that was being accepted apparently by the municipalities?

A. Yes, I am of the opinion that, I think it was 16, or 17, municipalities in the mining area, which is this area—

At page 822 at the bottom, speaking of the NONG Company, Mr. Crozier said:

A. And they had a very good firm of solicitors and they had carried out a Feasibility Study and it was a very good study and seemed to be very logical that they would be a very good company, and from my records, and if my memory serves me well, again, there was no other company that furnished us with any reasonable type of Feasibility Study.

This is the statement of Mr. Crozier. Mr. Crozier was in Sudbury, if you recall, at the Sudbury Public Library, holding his meeting for the question of a plebiscite on June 7 and the question put to him by Mr. Robinette was:

Q. And at the meeting of June 7th, 1956, in addition to explaining the function of the Fuel Board, do you remember that the proposed agreement was gone over, clause by clause, it was read?



A. Yes, I think that was the procedure we followed in the early days, of requiring the solicitor or counsel for the applicant to go over these agreements clause by clause.

I will not belabour the point, but there is also some other testimony elsewhere which will show that on June 7 this agreement was specifically analysed.

Now, in the minute book of the city of Sudbury which I may ask anyone to read as an exhibit; on page 831 it refers to the minutes of June 3, 1956, which Mr. Crozier attended.

**The Joint Chairman Mr. Laflamme:** The minutes of what?

**Mr. Landreville:** The council minutes of the city of Sudbury. These minutes are reproduced here:

"The Mayor thanked Mr. Crozier on behalf of Council for travelling from Toronto to give Council some guidance in this matter, as he felt Council's responsibility in this matter was serious.

Mr. Crozier said he did not think Council had to be too worried about terms and conditions in the agreement as they have customers operating with franchise agreements that do not come up to the City's agreement and they are operating favourably."

Now, is that a fair summary of what you said?"

This was put by Mr. Robinette to Mr. Crozier.

A. I do recall that that is correct.

**The Joint Chairman Mr. Laflamme:** What was the date of the meeting?

**Mr. Landreville:** It was June 3, 1956, a special council meeting attended by Mr. Crozier. I have a copy of this which may be of assistance to you. Have you located it, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** I am looking for it.

**Mr. Landreville:** I cannot recall what exhibit it is in the Rand Report.

**The Joint Chairman Mr. Laflamme:** June 3?

**Mr. Landreville:** Did I say June 3? It is July 3. I beg excuse; it is July 3, 1956.

The entire meeting or a substantial part of that meeting of July 3 was for the purpose of receiving Mr. Crozier.

**The Joint Chairman Mr. Laflamme:** It is Exhibit 82.

**Mr. Landreville:** Thank you.

At page 835 of the transcript, again the evidence of Mr. Crozier, when questioned by Mr. Robinette at line 16:

Q. Would it be fair to say that the likelihood of NONG not getting a certificate of public convenience and necessity was pretty remote?

A. It was.

I may note in passing that North Bay, which was on the lateral, so to speak, according to the board orders, a copy of which—I do not want to refer to something that has not been filed as an exhibit, but I give as my evidence from my information, it was August 9, 1955, North Bay, so they were long before us.

At page 838 of the transcript:

Q. As I understand, what it means is that in North Bay the order approving the franchise was dated July 20th, 1955. The date of the franchise was August 9th, 1955. The certificate is dated April 20th, 1956. That is a certificate of public necessity.

A. That agrees. That agrees with our record.

Gentlemen, I am at the end of directing your attention to the evidence that is on record from the aldermen, the controllers and city officials pertaining to the passing of this franchise. I have directed these questions mainly toward showing what part I had in the passing of this franchise to NONG as mayor. Whether in short, by my acts, I could be interpreted to have acted in conflict of interests, or have exercised influence on any member.

The obvious thing is that you do not have before you these witnesses to test their credibility. I would be only too glad to produce them and to have them relate these events, these incidents, which I have already read into the record in part, and if there be any doubt as to their credibility, as appears from these records, I am not too sure on whose shoulder that onus should fall. If you deem it that it should fall on my shoulders, well I quite accept the ruling and have them come back, if there is any doubt about that phase of it.



**Senator Fournier (de Lanaudière):** If you would permit me, that would mean that we would have to start everything all over again of the royal inquiry.

**Mr. Landreville:** Not all, but maybe if you disbelieve all of these witnesses, I say yes, but if you disbelieve one, or you have suspicions about another, or there is something incomplete in that aspect

**Senator Fournier (de Lanaudière):** Were any one of them accused of having committed perjury while they were giving their testimony?

**Mr. Landreville:** No, sir.

**Mr. Fortier:** Mr. Justice Landreville the way of directing the attention of the Committee to the credibility of those witnesses, whose evidence you have reviewed in part, would be to tell the Committee if Commissioner Rand, anywhere in his report, casts doubt himself on their credibility.

**Mr. Landreville:** That is true. I am grateful to you, Mr. Fortier, for drawing that to my attention; that in fact the Commissioner did not cast any doubt on their credibility, but I will argue this. Where is it found in Mr. Rand's Report—to me and possibly to you—the crucial question of whether or not any person, any city official has been influenced. I have not seen one line of this in the report. Can I think that when one deals with so-called municipal corruption, it is a basic question to find out who has been influenced. Am I out of the way by even asking that question?

**Senator Fournier (de Lanaudière):** Who has been influenced and by whom?

**Mr. Landreville:** Yes. And in this report had Mr. Rand said somewhere that through the evidence of all the witnesses heard, there does not appear one tittle of evidence that Mayor Landreville exercised influence, I would have thought this to be a factual report. I could give many samples but I am just touching this one at this time.

**Mr. Fortier:** Would it be possible to approach it from an other angle. Does Commissioner Rand anywhere in his report say that Mayor Landreville, as he then was, exercised influence over any of these aldermen or city officials?

**Mr. Landreville:** No.

**Mr. Fortier:** I think that is a fair question.

**Senator Fournier (de Lanaudière):** I think

when they were testifying in the box, they were unanimous in saying "no," after what we have heard from the witness this afternoon.

**Mr. Fortier:** No, I am asking his Lordship if—I think Mr. Justice Landreville has understood my question.

**Mr. Landreville:** I understood your question, Mr. Fortier, and I would be only too happy if Mr. Rand had written a one page report and said, "Mayor Landreville exercised no influence whatsoever on the city council" and finish with that.

**Mr. Fortier:** But for the edification of the Committee members, is it not a fact that nowhere in his report he implies that you exercised influence over the members of the council?

**Mr. Landreville:** No. I mean—

**Senator Cook:** What does he mean by his statement in the third paragraph on page 107. I ask about this, but I do not say that I necessarily agree. It says:

III—That a fortiori the conduct of Justice Landreville, from the effective dealing, in the spring of 1956, with the proposal of a franchise for supplying natural gas to the City of Sudbury to the completion of the share transaction in February 1957,—

Now, is he questioning the conduct of Mayor Landreville there when he says "from the effective dealing, in the spring of 1956, with the proposal of a franchise". There is nothing wrong according to the evidence that Mr. Justice Landreville has given with the way he dealt with it, but this is an implication there is something wrong, is it not?

**Mr. Fortier:** If you are directing the question to me as counsel to the Committee, I would say that I did not read it that way, no.

**Senator Hnatyshyn:** Well, how do you read it? I would like to know for my own edification.

**Mr. Bell (Carleton):** Should we not reserve this for the time when we are engaging in our deliberations.

**Senator Cook:** We must get the evidence in.

**The Joint Chairman Mr. Laflamme:** If there are any questions, they should be directed to the witness, not to our counsel, because he is here to be at our disposal when we deliberate.

**Mr. Landreville:** Mr. Chairman, in view of your suggestion which I readily accept, I am here to answer questions. In answer to the Senator's question I obviously succumbed to the interpretation he puts on it. I just want to draw your attention to page 74, at the bottom, the very last line:

There was also the strong support of Mayor Landreville.

**Senator Hnatyshyn:** Is there any evidence to that effect at all that has been given before the Commission.

**Mr. Landreville:** On my oath, I say in answer there is no evidence that I have read anywhere that I have given strong support. I have given leadership, I have introduced the subject matter to council, but use those words of strong support with the inference that I was pushing it through, that is a different interpretation.

**The Joint Chairman Senator Lang:** I wonder if I might ask a question from the chair, Justice Landreville. We are discussing the question of using influence unduly or improperly in view of an office held. Now, can such influence not be used unduly or improperly, not with respect to the other members of the council or municipal officials, with whom that person is associated, but used unduly or improperly with regard to third persons who are not of the municipal organization. Is that perhaps what we are concerned about?

**Senator Hnatyshyn:** I would like to hear this.

**Mr. Landreville:** Allow me; is this a hypothetical question?

**The Joint Chairman Senator Lang:** No. I do not think it is hypothetical.

**Mr. Landreville:** The answer to that—

**Senator Fournier (de Lanaudière):** If you will permit me, Mr. Chairman, I am sorry, I wish to raise a point of order. We are here to consider the report of Mr. Justice Rand. If there is no indication in his report that might have a bearing on your question, I do not think we can be concerned except by just a mere curiosity.

**The Joint Chairman Senator Lang:** I do not believe it is a matter of curiosity. I think perhaps this trend of thought runs through Mr. Rand's Report and I would not like the Committee to overlook the fact that a question of influence may not entirely be a ques-

tion of influence in one direction but also a question of influence in other directions.

**Senator Fournier (de Lanaudière):** If you permit me, Mr. Chairman, I have just this single little phrase here on page 108,

—trailing odours of scandal arising from its initiation and consummated while he was a Judge—

You know, to me there is no evidence of that. It is just a vicious statement. There are no facts behind that and "trailing odours of scandal", that smells like hell to me and there is no evidence. If you permit me, sir, I am not through—there is no evidence of that yet. I have read the report all over. I have been listening here for quite a while and I see no "trailing odours of scandal" anywhere. But that opens the door to the question that you have just put, but in my opinion I do not think that we should listen to that kind of vicious insinuation innuendos and well, I stop there.

**The Joint Chairman Mr. Laflamme:** Just a minute, please. Do you have another point of order because there was a point of order raised by Senator Fournier. But I really think at present if we have to deal with that point of order, with the consent of Senator Lang, we should remind all hon. members that this morning we had started hearing the evidence of Justice Landreville and I really think that at the time we tried to listen to him. If they have some questions that are to be asked they should be directed through the Chairman to our witness because the members of the Committee I believe can read the evidence if they wish to do so. I think the proper way to proceed should be at present, in the light of the evidence given by Justice Landreville, either to ask him if his evidence has added anything to the evidence already before us or to ask some other questions pertinent to the members themselves because I think the members must make up their own minds. They might have some questions to ask on relevant facts and I think they should be directed to the most interested person who is at present our witness. I think this should be the proper way to proceed. I am just bringing this to the attention of the members because if we continue in that regard, just listening to the reading of the evidence—I think the members can do it themselves.

**Mr. Tolmie:** Mr. Chairman, on this point of order I would like to get the procedures straight. As I understood it, Justice Landreville was going to submit evidence and he has



proceeded to do so, I also understood that when he had completed his evidence, then we could pose questions to him.

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Tolmie:** And when that was completed, if there were no further witnesses we would start our deliberations. Does Justice Landreville wish us to ask him questions now or does he wish to finish his evidence. I would much prefer to see him finish his evidence and then any questions could be asked at that time. Instead of breaking the continuity I would think it would be much wiser to let him complete what he has to complete and then we can ask him questions as we normally would in any other committee.

**Mr. Bell (Carleton):** Commencing with counsel asking the questions?

**The Joint Chairman Senator Lang:** Yes.

**Senator Hnatyshyn:** Mr. Chairman, all I wanted to ask is this. In view of what the Joint Chairman, Senator Lang, has said, I would like to hear the witness. I am not asking any question now, but I would like to hear the witness in that regard on that point. The point that was raised by Senator Lang was would it not be influence on a third party instead of on city council and all I wanted to bring forward is that I would be interested in hearing the witness on that point.

**The Joint Chairman Mr. Laflamme:** Well since the question has been asked by my Co-chairman, I may rule on the point of order raised, but I think that the question by Senator Lang is a relevant question. Questions of influence, questions of transactions are relevant questions, I think in my view and I do not see why this question should not be answered if the witness wishes to answer to it, and if he wishes not to answer, it is up to him.

**Senator Fournier (de Lanaudière):** This was the point—I have no objection to withdraw my point of order. What I understood was different.

**The Joint Chairman Mr. Laflamme:** And I think the members should refrain from advancing arguments either against Justice Rand because Justice Rand has delivered his report. We are not here to make a trial to Justice Rand. We are here, to carry out our responsibilities within our terms of reference and report accordingly.

**Senator Langlois:** Mr. Chairman, should we allow questions that will go beyond the con-

tents of Mr. Rand's report? Are we not called upon to deal with that report exclusively. If we go beyond it, I think we are going beyond our own mandate. We are not here to reopen the whole issue; we are here to consider a report and we should stay within the bounds of this report. This is my opinion.

**Senator Fournier (de Lanaudière):** That is my opinion.

**Senator Langlois:** Otherwise we will be here for God knows how long.

**Mr. Bell (Carleton):** I think it is quite clear in the terms of reference of both the Senate and the House of Commons that we are bound to stay within the Rand Report.

**The Joint Chairman Senator Lang:** My remarks were directed towards my hope that Mr. Justice Landreville might elaborate upon the possibility of—or the evidence that may be in the transcripts as to there being influence used or influence not used against persons who might be other than those who are the municipal officials. I am not suggesting that it has been or has not, and I think maybe he could dispose of it quite readily.

**Mr. Landreville:** May I answer the question, Mr. Chairman?

**Senator Fournier (de Lanaudière):** If you would permit me again, everybody is in accord and I withdraw my point of order. You put your question. I see that the witness is prepared to answer, so I withdraw mine, but you know we have to be careful to stay close to the report.

**Mr. Landreville:** Mr. Chairman, in answer to your question, I may say that in that field everything is possible. Let me put it as broad as that. If you ask me, if in the transcripts there is evidence anywhere showing that my acquisition of an option in that company may have had some effect on some third party who may, indirectly then grant some advantages to that company, I would say no.

Now, let us take a man like Mr. Crozier, is there a suggestion that the fact that I obtained an option in that company that I would have influenced Mr. Crozier of the Fuel Board who was acting under Dana Porter the Attorney General to have NONG service. I want something more specific.

**The Joint Chairman Senator Lang:** I guess you might have to ask that from me. Really my mind was going back to where we broke at noon today at which point you were about to deal with a letter of January 20—



**The Joint Chairman Mr. Laflamme:** July 20, 1956.

**The Joint Chairman Senator Lang:** I am sorry, yes, July 20, and I was hoping that perhaps in your evidence you would pick up at that point; and my question was directed to the fact that it may be possible that a man holding a municipal office could influence people who were dealing with the municipality, I suggest a person like Mr. Farris, and influence them unduly by virtue of their office and not necessarily to the best interest of the municipality or perhaps consistent with the best interests of the municipality, but in addition to the best interests of the person involved. Now, it is in that area that I think perhaps this Committee would be helped if you would give some evidence directed towards that end?

**Mr. Landreville:** Yes. It is by pure coincidence I had finished all the reference to the transcript, and I have in my hand that very point you are bringing up, Senator, and I am most anxious to deal, but I am proceeding, if you follow me, chronologically and filling in the gaps. We have finished now with all the council meetings and my relationship with the council members. So I come now to the very centre of this turmoil.

As you recall, I related to you the sort of casual, unpremeditated off-hand discussion, driving Mr. Farris back to his hotel on the night of July 17. On July 20, I received the letter which is filed as an exhibit.

**The Joint Chairman Mr. Laflamme:** Exhibit 6, on page 20 of the Rand Report.

**Mr. Fortier:** It is probably fair to say, sir, that it was not received on July 20.

**Mr. Landreville:** It was not received on July 20, and I am not too sure when it came, the date of arrival. There is no postmark stamp of date of reception. I was under the impression when I received it, it came from Vancouver, although it is marked King Street, Toronto, because Mr. Farris did much of his business out in Vancouver. However, let us read this letter and it deserves close scrutiny.

Dear Mr. Landreville:

You have recently expressed an interest in our company indicating that when free to do so you would like to assist us in some capacity, particularly with reference to representing us as we face the many problems ahead of us in the Sudbury area and Northern Ontario general-

ly. You have indicated your faith and interest in us by expressing also a desire to purchase stock in our company. We greatly appreciate this twofold approbation of us by you.

At a director's meeting held the 18th of July following a shareholders' meeting on the 17th, your participation in our company was discussed. The shareholders' meeting had approved a change in capital whereby the authorized capital was increased to 2,000,000 shares and the outstanding shares split five for one to bring the total issued shares to approximately 660,000. The directors resolved to offer existing shareholders the right to subscribe for 40,000 additional shares of the "new" stock at a price of \$2.50 per share.

At the same time it was resolved to offer you 10,000 shares at the same price of \$2.50 per share. This offer is firm until July 18th, 1957. Should you wish to purchase portions of these shares at different times that will be in order.

At your convenience and when you are free to do so we would welcome the opportunity to discuss our relationship for the future in greater detail.

• (9.00 p.m.)

This is signed by Ralph K. Farris, President, and C. Spencer Clark, executive Vice President. Now, gentlemen, I do not have the original—if the Clerk would be so kind to find the original—but it hovers in my mind, and of this I am not sure, that it bore the company seal on it, and I would like to see the original.

**The Joint Chairman Mr. Laflamme:** Do you contest the contents of that letter?

**Mr. Landreville:** Oh, no.

**The Joint Chairman Mr. Laflamme:** Would you have a look at it, and see if it is not a photostat of the original?

**Mr. Landreville:** Mr. Chairman, this is the same copy as I have in my hand. I was wondering where the original of that letter was. Nothing may turn on it, on the fact of whether the seal of the company was on it or not, but I would like to comment—

**The Joint Chairman Mr. Laflamme:** What do you mean by the seal? "Le sceau de la compagnie"?

**Mr. Landreville:** Yes, the corporation seal.

(Translation)

**The Joint Chairman Mr. Laflamme:** Is it not in the minutes of the board of directors?

(English)

**Mr. Landreville:** The point is—I do not want to complicate the matter as nothing may turn, but it was in my mind because I had not seen it for quite some time.

**The Joint Chairman Mr. Laflamme:** Let us be clear on that. Is it a true photostatic copy of the original letter sent to you and signed by Mr. Farris and by Mr. C. Spencer Clark?

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** This is a very important exhibit, Mr. Landreville.

**Mr. Landreville:** Yes, it is. The only thing I am questioning is whether one of these so-called perforated seal, may have been on the original and the photostat would not show it; that is the only point I want to make. Otherwise, it is an exact copy.

**Senator Hnatyshyn:** Is it impossible to get the original?

**The Joint Chairman Mr. Laflamme:** We will try to find out where the original is.

**Senator Langlois:** Was it produced in evidence as a photostat of the original? The evidence must show that.

**The Joint Chairman Mr. Laflamme:** We may ask our own counsel to check into the evidence. I must remind members, however, while awaiting the evidence, that some of the directors at the time, testified before Justice Brennan, saying that the matter was never discussed in the board of directors of that company.

**Mr. Landreville:** Well, I am not bringing up that issue, Mr. Chairman; I will deal with that in a moment.

**The Joint Chairman Mr. Laflamme:** All right.

**Mr. Landreville:** The question of the board of directors.

**The Joint Chairman Mr. Laflamme:** You were talking about the seal of the company, so I was referring to a true copy of the minutes.

**Mr. Fortier:** It would appear from the evidence of Mr. C. Spencer Clark before Commissioner Rand, at which time this particular

letter was filed as an exhibit, that it was the original which was filed with the commission; Mr. Clark identified his signature. I agree with you, however, that I do not see the relevancy of the seal, whether or not it exists, if it ever existed.

**Mr. Landreville:** It just gave an atmosphere of legality, to me, all the more, bearing the seal.

**Mr. Bell (Carleton):** It would only go to the question of the enforceability of the offer; since the offer was accepted, I do not think we need to argue about the enforceability.

**Mr. Landreville:** That is quite true. May I now comment on this? The first general comment, gentlemen, that I want to make is that this letter of June 20, sent to me, and my answer of July 30, I am the one who has produced these letters to the Ontario Securities Commission on October 2, 1962 in Toronto. These documents had been seen by no one before, although search had been made at various places. I produced these documents, did not destroy them, had them in a very thin file, and when asked to give evidence, I brought whatever documents I had with me, comprising these two letters and the sales slips.

The point I am making of this, and I may say first of all, may appear irrelevant, but as it turns out from the comments of Mr. Bray of the Ontario Securities Commission and the evidence, these letters have not been destroyed; they have been kept. They pinpoint the exact date at which the offer I received was made by the company. They pointed immediately during my term of office. That impressed in some measure—and you will hear some evidence in that respect—the magistrate Marck.

The second point made by the Commissioner in his report, is that this is addressed to my home, 250 Elm Street West, and the Commissioner takes that item as a piece of evidence of intended secrecy, instead of it being sent to the city hall, or to my home.

**Mr. Bell (Carleton):** Or to your law office.

**Mr. Landreville:** Or to my law office, yes, excuse me; rather than at my home. I may point out that, first of all, my reply came from my law office. The letters LAL:lmg at the bottom of this copy of July 30, are those of a lady by the name of Gardner who was my secretary at that time.



That is just the first bit of the point that the Commissioner has made that there is an air of secrecy. When you hear the judgment of Magistrate Marck, he finds, as his opinion, on the same facts, completely the opposite, that there was no secrecy.

Secondly, gentlemen, you will note the first line:

You have recently expressed an interest in our company—

That reflects my conversation with Mr. Farris, accurately, because I am the one that expressed it. Notice also:

—that when free to do so you would like to assist us in some capacity—

My first comment there, is that that is exactly the meaning of my words to Mr. Farris when I spoke to him on July 17; namely, words to the effect, “this year—understand—I cannot do anything for you, I am mayor, next year I am not going to be mayor; you will need some officials and we will talk about it”; and it was left very much in the air.

I may immediately put before you also, factual evidence that nothing took place in the way of dealings, contracts, or resolutions of council, between the city of Sudbury and NONG from my departure until the end of that year. That was four or five months; there were no resolutions of council, and we will, if necessary, bring the Clerk Comptroller, because the pipe line in Sudbury was installed in 1958, or a year and a half; and in 1956 it had just begun from the west.

Having covered the point that this letter reflects actual thought “when free to do so”, I underline this for your benefit: Hindsight is a marvellous quality, as said before by Mr. Rand. But unfortunately it is somewhat cheapened by the fact that everybody has it. It is all very well today for Mr. Rand’s report to infer that we cunningly connived wording in 1956, in these letters, in this verbosity, with the foresight that three years later, or two and a half years later, three cabinet ministers in Toronto would start an affair about gas; and the newspapers cried scandal.

There was no one, in my opinion, and in my mind and heart, who could foresee in 1956 what would happen in ten years, and particularly here tonight. This letter here I swear I had no part in drafting; that it came to me as an aftermath of a loose conversation with Mr. Farris; that I received it, that I did acknowledge it.

The first point is that I am interested in the company. Mr. Farris stated in the second

paragraph that a directors’ meeting, held the July 18. I say here that, from Mr. Farris and from no one else have I heard at that time, or shortly after, that there had been no shareholders’ meeting on the 18th. As it turned out, the minute book of the company, seized, showed that there was no meeting of the shareholders.

**Mr. Bell (Carleton):** Directors’ meeting of the 18th.

**Mr. Landreville:** Yes, that is so; the directors’ meeting on the 18th. The shareholders’ meeting had approved a change. Apparently there is no date to the shareholders’ meeting.

**Mr. Bell (Carleton):** Exhibit 7 shows the minutes of the general meeting of shareholders on July 17.

**Mr. Landreville:** Yes. Well, this matter was not brought up by Mr. Farris, and it was not mentioned in the minute book; I know this now, because it has been pointed out by Mr. Farris.

**The Joint Chairman Mr. Laflamme:** May I ask you a question, with your permission, Mr. Justice Landreville?

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** Prior to July 20, the date of that letter, which is filed as exhibit 6 as you have just read, did you ever talk with Mr. Farris about the possibility of buying shares?

**Mr. Landreville:** I have stated, in the Ontario Securities Commission—and I have the transcript here—if I had asked the price and the number, I said “yes”, at that time. I was being questioned as to when I gave that order, and I frankly admit that there is a difference between that statement because when Farris gave the evidence he said this was in September that this conversation took place so, that, at that time, no.

**The Joint Chairman Mr. Laflamme:** What do you mean by “at that time”?

**Mr. Landreville:** On the night of July 17.

**The Joint Chairman Mr. Laflamme:** You have never asked Mr. Farris—

**Mr. Landreville:** The exact amount of shares?

**The Joint Chairman Mr. Laflamme:** No, no; simply to buy shares.

**Mr. Landreville:** Yes, I did.

**The Joint Chairman Mr. Laflamme:** You did; and when?

**Mr. Landreville:** July 17.

**The Joint Chairman Mr. Laflamme:** July 17.

**Mr. Bell (Carleton):** What year?

**Mr. Landreville:** July 17, 1956, after the council meeting on the night that we had spoken. This letter came July 20, as a sequence to our conversation, and it was July 17; that is in all the transcripts.

**The Joint Chairman Mr. Laflamme:** How many shares did you ask for?

• (9.15 p.m.)

**Mr. Landreville:** I have stated that I thought it was 10,000 and he had mentioned something like 250. In that statement—I had confused that statement with another conversation that I had with Mr. Farris in September. This is a matter of memory, of confusing the disparity between two or three months in time. Mr. Chairman, may I continue?

**The Joint Chairman Senator Lang:** Yes.

**Mr. Landreville:** I must say that I have produced these to the Securities Commission. There has been nothing hidden about it. I was giving evidence in 1962 of events in 1956. I want to underline the fact that when I received this letter, I was pleased. I had no knowledge of the actual value of the shares as such, because this stock—I knew one thing, that NONG did not have a piece of pipe in the ground; that NONG was going to borrow all of its capital. I knew that. That had been published and it was known fact, and therefore what pleased me was a simple prospect of the next year, of speaking to Mr. Farris and seeing how we can arrange it. There was no definite position promised to me, assigned to me. Salary was not determined and the thing was left in that respect, just as a prospect for the following year. My letter, gentlemen, of July 30, states:

I have your very kind letter of July 20th at hand.

I fully appreciate the advantages of the offer you outline to me and I fully intend to exercise this option before July 18th, 1957.

There is the additional question of the personal interest I will devote to your Company in Northern Ontario. While all the management questions may be at

problematic stage in your Company, I would like to assure you of my interest in promoting the welfare of your Company in the time to come.

My present Office, as Mayor, does not permit me to a definite committal but in the course of the months following January next, I feel sure we may sit down and see if your Company and I have something which we could exchange to our mutual benefit.

Yours very truly,

**Senator Fournier (de Lanaudière):** Did you know then that you were to become a judge?

**Mr. Landreville:** I did not, sir.

**Senator Fournier (de Lanaudière):** Right.

**Mr. Landreville:** I will go into that fact because the event was the death of a judge in August, Mr. Justice Edgar Chevrier. When I wrote this letter I of course just filed it for future reference. I may disclose to you that receiving an option on stock in a new company with the financial backing that it had, I did not consider it at the time a new-found fortune. That I can assure you. In fact, to substantiate my point, I will point out to you evidence of the shareholders referred to here, there was 16,599 shares of these shares referred to—the right to shares—that were not picked up. That is established by the independent evidence. In hindsight it looks very well, but on that day to me it was just a prospect for the following year, to see what happens.

**Senator Cook:** May I ask a question here, Mr. Chairman? How long a period did the shareholders have in which to pick up the option?

**Mr. Landreville:** The shareholders were given some 18 days, on record. Now, I have never asked Mr. Farris specifically, why did you give me an option of a year, but it transpires through the evidence that that company was not going to get a piece of pipe into the Sudbury area for at least one year and therefore it could not be expected to give any finance.

**Senator Fournier (de Lanaudière):** Mr. Chairman, it looks more and more to me as though the witness is becoming quite exhausted. His voice is falling and I wonder if we are going to proceed or to adjourn. In my opinion, if he is really tired, there is no reason to force a witness under those conditions.



**The Joint Chairman Mr. Laflamme:** Well, we are—

**Senator Fournier (de Lanaudière):** We should give him a chance, and sit tomorrow at 9 or 9.30.

**The Joint Chairman Mr. Laflamme:** Well, I do not think it should be on the record that everyone is forcing the witness. There were not many questions today—

**Senator Fournier (de Lanaudière):** No, not because we are doing it, but on account of circumstances.

**Mr. Gilbert:** Mr. Chairman, in the past when Justice Landreville was tired and exhausted, he requested us to adjourn, and thus far he has not done so.

**Mr. Landreville:** May I go on, if you please? I would like to finish this point and I had intended—

**Senator Fournier (de Lanaudière):** We will leave it up to you, sir.

**An hon. Member:** Shall we recess?

**The Joint Chairman Mr. Laflamme:** Yes, let us have a recess of ten minutes.

**Senator MacDonald (Cape Breton):** Mr. Chairman, it is almost 9.30. How long is this to continue this evening? I think this recess business is nonsense. Let him finish the point he wishes to make, and then let us adjourn.

**Some hon. Members:** Agreed.

**The Joint Chairman Senator Lang:** How long do you expect to be?

**Mr. Landreville:** Oh, just until 9.30.

**The Joint Chairman Senator Lang:** Is that agreed?

**The Joint Chairman Mr. Laflamme:** Agreed.

**Mr. Landreville:** Now, I was saying that I filed these two letters. They were not secretive in that sense. I have kept them these years and produced them. This yellow copy in my hand is the actual carbon copy of the original letter that I mailed. Now, what happened immediately after this is that I am under the impression of having told several of my friends that the following year I would be interested with NONG, and had a prospect of going with them; what it would be was very indefinite. I knew that Mr. Farris and Mr. Clark are on the B.C. coast—and I want to

quote here, Mr. Chairman, just on this point why this offer was given to me, and we will not take the reason from Mr. Farris, but I think the Vice President, Mr. Clark, whose credibility has never been put in question, said, and this is in the Rand Inquiry at page 113, at the bottom:

**Mr. Morrow:** Q. Now, sir, did you give consideration at the time this letter of July 25th was signed as to how you, as a company, could pay, could deliver these shares, if this right had been taken advantage of immediately by Mr. Landreville?

A. You mean, did I personally, or I corporately give consideration?

Q. Well, personally, as an officer of the company?

A. No, sir.

Q. This was not—this letter and this opportunity to Mr. Landreville was not given for the purpose of raising money for the company, was it?

A. Well, not at the time, because it is open for a year.  
And on page 114:

Q. The only purpose, so far as you know, was to encourage him as—to get him interested in your company?

A. As a future officer, yes, sir.

Q. Have you any idea of when he was to take office and act as a future officer from your recollection of your discussion with Mr. Farris?

A. No specific date, not—as I explained previously, we—I think we all presume, or it was unspoken that Mr. Landreville continue as mayor until his term was up, which I understood at that time was December, and that should pretty well coincide with the financial balance of both Trans-Canada and ourselves and that, while we are a viable concern and we are able to afford expensive executives—I was working for no salary at the time—then we would consummate the arrangements.

Q. Well, did you consider that this letter was binding on your company. By that, I mean that you would have to deliver the shares if you were tendered the \$2.50 at any time prior to July 18th, 1957?

A. Did I consider when I signed it, or subsequently, or now?

Q. At the time you signed.

A. I think I must have or I wouldn't have signed it. That is what it says.

Q. You intended to bind the company with it?

A. It say, "This offer is—  
Binding.

And there are a few more words. Then Commissioner Rand asked:

Q. What do you think that word "firm" means?

The word "firm" mentioned in the letter.

A. I intended it to mean binding.

**Mr. Morrow:** Q. What was the price of shares at this time, off the market. I realize they weren't listed, but what could they be sold for at this time?

A. I don't think anything.

Q. You hadn't sold any at this time?

A. No.

In fact, if you look the records up you will find that NONG was financed only at the end of January or in January, 1957, and from that time that company had life. If it could not have been financed in January 1957 that \$2.50 stock may have gone down to five cents or

they may have only succeeded in selling their papers, the franchise.

**The Joint Chairman Mr. Laflamme:** Yes, but the way the option was given, you would not have lost anything.

**Mr. Landreville:** Well, that is it. The question to me was, was it worth anything? And if it was worth nothing, then I would have lost nothing. I quite agree. This thing of giving an option, if I may explain—many of you are lawyers; most of you—

**Mr. Bell (Carleton):** I do not think it is necessary to explain an option.

**Mr. Landreville:** I do not have to tell you that in the mining areas of northern Ontario I could produce quite a stock of options on mines and what not. The value of these things is problematic. I think we can all agree.

**Senator Fournier (de Lanaudière):** I know by experience.

**Mr. Landreville:** There are a few more points that I would like to cover on this aspect, gentlemen, and Mr. Chairman—

**The Joint Chairman Mr. Laflamme:** I think it has been agreed that we will adjourn until tomorrow afternoon at 3.30.

---









OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

First Session—Twenty-seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING

**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang  
and  
Mr. Ovide Laflamme, M.P.

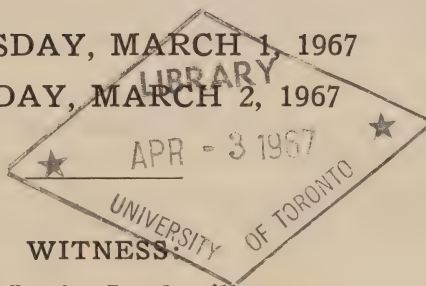
---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 4

---

WEDNESDAY, MARCH 1, 1967

THURSDAY, MARCH 2, 1967



WITNESS:

Mr. Justice Landreville.

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*  
The Honourable Senators

*Representing the House of Commons:*

Cook,	Mr. Bell ( <i>Carleton</i> ),	Mr. McCleave,
Fournier	Mr. Cashin,	Mr. McQuaid,
( <i>de Lanaudière</i> ),	Mr. Fairweather,	Mr. Patterson,
Hnatyshyn,	Mr. Gilbert,	Mr. Stafford,
Langlois,	Mr. Goyer,	Mr. Tolmie.
Macdonald ( <i>Cape Breton</i> ),	Mr. Guay,	

Fernand Despatie,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

WEDNESDAY, March 1, 1967.

(9)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 3.40 p.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (de Lanaudière), Hnatyshyn, Lang, Langlois, Macdonald (Cape Breton)—(6).

*Representing the House of Commons:* Messrs. Cashin, Fairweather, Gilbert, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie—(9).

*Counsel present:* Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

Mr. Justice Landreville resumed his presentation, commenced at the meeting of February 28, 1967. He answered questions.

At 4.25 p.m., it was agreed to take a ten-minute recess.

On re-assembling, the House of Commons' division bells ringing, the Committee adjourned until 5.15 p.m., at which time Mr. Justice Landreville continued his presentation and answered questions.

On a question of privilege raised by a Member of the Committee, the witness withdrew an expression used in referring to Commissioner Rand.

At 5.50 p.m., the House of Commons' division bells ringing again, the Committee adjourned until Thursday, March 2, 1967.

THURSDAY, March 2, 1967.

(10)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 9.40 a.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Ovide Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (de Lanaudière), Hnatyshyn, Lang, Langlois, Macdonald (Cape Breton)—(6).

*Representing the House of Commons:* Messrs. Bell (Carleton), Fairweather, Gilbert, Guay, Laflamme, McCleave, McQuaid, Tolmie—(8).

*Also present:* Mr. Asselin, M.P.

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

At the opening of the Meeting, Mr. Fortier referred to a newspaper article stating that findings by Commissioner Rand indicated that Mr. Justice Landreville was guilty of dereliction of duty both as a judge and as a former mayor of Sudbury. It was pointed out that there was no such suggestion anywhere in the report of the Honourable Ivan C. Rand. It was hoped that a proper correction would be made by the press. It was also noted that the use of the word "impeachment" was erroneous, since the Committee was not engaged in such proceedings.

Mr. Justice Landreville made a statement with a view to correcting the impression left by certain newspapers that he had alleged that he was appearing before the Committee because he was a French Canadian.

Mr. Justice Landreville resumed his presentation, commenced at the meeting of February 28, 1967. He answered questions.

It was then suggested by Mr. Justice Landreville that the Committee hear Dr. John Fisher, as a character witness.

Opinions were expressed regarding the question of witnesses; at 10.25 a.m., the Committee agreed to proceed to an *in camera* session for the purpose of discussing this matter fully.

At 10.45 a.m., the Committee resumed its regular meeting.

The Joint Chairman (the Honourable Senator Lang) stated that consideration had been given to the matter of hearing proposed character witnesses and that it had been the unanimous opinion that the evidence of such witnesses would be irrelevant. He added that the Committee had decided not to hear evidence of that nature during its deliberations.

Mr. Justice Landreville continued his presentation and was questioned.

At 11.30 a.m., the Committee adjourned until 3.30 p.m. this day.

#### AFTERNOON SITTING

(11)

The Committee resumed at 3.35 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Macdonald (*Cape Breton*)—(5).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Gilbert, Guay, Laflamme, Tolmie—(6).

*Counsel present:* Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville and Mr. Terrence Donnelly.

Mr. Justice Landreville resumed his presentation. He answered questions.

At 4.15 p.m., the Committee agreed to take a ten-minute recess.



On re-assembling, Mr. Justice Landreville continued his presentation. He was interrupted a few minutes later by the House of Commons' division bells. The Committee adjourned until 5.15 p.m. this day.

At 5.05 p.m., the House of Commons' division bells rang again. At 6.05 p.m., the division bells still ringing, the Joint Chairman (the Honourable Senator Lang) announced that the Committee would have to stand adjourned to the call of the Chair.

Fernand Despatie,  
*Clerk of the Committee.*



## EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, March 1, 1967.

**The Joint Chairman Senator Lang:** Gentlemen, I see a quorum. I suggest we resume. Mr. Justice Landreville, would you care to take up where we left off last evening.

**Mr. Justice Léo A. Landreville:** Thank you.

Mr. Chairman, just in a very, very few sentences I may remind you of what I was aiming at yesterday in the course of all my evidence. You have heard the history of Northern Ontario Natural Gas from its inception in Sudbury at the beginning of 1955. I have underlined particularly to you the meeting in Kirkland Lake of March 1955, where it was decided unanimously, except for Sudbury, which did not partake in the vote, that NONG would be the distributing firm in the north.

Then there was a lull except for sporadic correspondence during that year while the federal government considered the Trans-Canada pipe line. I have taken you to January of 1956, when I met Mr. Farris about that time, January or February. Then you have been taken through the lull again of wait-and-see attitude from January until about the month of May.

It has been indicated to you why there was a sudden surge of activity at that time, why the city council of the city of Sudbury through its City Solicitor started getting going on this draft of an agreement. I have not read to you the correspondence exchanged between Mr. C. D. Howe, the city and myself, or other correspondence at that time, all of which is relevant but I did not wish to belabour the facts.

Then, we see that this matter came normally before the council. It was Board of Control, in the first instance, then council and passed on the 22nd of May 1956. Then we have seen Mr. Crozier's part as Chairman of the Ontario Fuel Board who came in in June to a Sudbury hearing. Then on July 3, his attendance at council, and again I have not belaboured reading to you the whole of the council meeting, but the exhibits are there for you to see.

I have related, finally, on June 17 the by-law was read for the third time. I noted in passing that a normal bylaw is contested, should I say, after the second reading and the third reading is a matter of formality and so it is established by the evidence of outside witnesses. So we stay there, and I have also yesterday pointed out piece by piece the evidence of each alderman, controller and city official, all to show that they have acted independently, freely; that I have not exercised any influence on any of them, nor in the transcript have I shown that I have acted favourably to that company in any special way or that I have shown conflict of interest.

• (3.45 p.m.)

Now, to be fair to the transcript and, should I say, to my learned friend, I must point out to you that a pertinent question was put to each alderman and controller and the questions generally can be phrased this way. Did Mayor Landreville, as he then was, disclose to you that he had received the letter of July 20, 1956, from the NONG offices? Did he disclose to you his future intentions of going with this company, or did he disclose to you that he was getting an option? The answer is, in that respect, "no". I am not saying this in favour of my case. I know that it is a fact and there are reasons, however, and that is why I am here. Why did I not come to council at the first opportunity and disclose this matter? First of all, one must look at what I was receiving by this letter of July 20. I propose now to adduce before you some evidence from the transcript as to the contents of that letter. No. 1. A simple disclosure of intention that next year, when free so to do, I would be associated with that company. I could refer at length to the evidence of Mr. Spence Clark, Vice President, and that of Mr. Farris, who was then President, to show what was in their minds with respect to my future occupation, with respect to the value that they placed on my future services. I could disclose as well in the transcript the evidence of Mr. Tomlinson who testified, as engineer, who was more or less enticed into that company



with shares and was an excellent engineer for them. I could disclose also the evidence of one Ralph Howard who testified. He left the Ontario Fuel Board and he received shares.

At this stage you may ask, did he receive an option on shares and I say to you no, he was tendered an offer to buy the shares at the price that they were at the time, namely, I understand, \$2.50. It is true that in that classification the option given to me is different from the cash sale made to those two men. It is also true that the offer made to the other subscribers shown in that letter of July 20, given a ten or fifteen day option to buy, is much shorter than the one offered to me. All this begs explanation.

First, let us deal with what I was getting in July, 1956. I may disclose to you that from my knowledge of the presentation given by the company before the Fuel Board I had a valuation of what that company was worth, namely it had paper franchises and no assets; not as yet financially backed, and that came in the evidence in February of 1957. So I want to read to you, first of all, a clear finding of fact which was before Mr. Rand and it is filed as an exhibit and it is the excerpt only that is filed. I have here the entire transcript of the investigation carried on by the Ontario Securities Commission Act in 1958. I filed on the Rand Inquiry only an excerpt. I can prove this document in its entirety but the excerpt that I filed, however, may satisfy you. The exhibit is referred to on the original—I say “original”, correction, sort of a xerox copy—and it is what is contained in the exhibit filed on the Rand.

**The Joint Chairman Mr. Laflamme:** Could you give us the number of the exhibit?

**Mr. Landreville:** I would like to. Exhibit 159.

On this total copy which I have and which Mr. Fortier may examine—and I am quite willing to leave it with him if he wishes after—at clause 19 of the findings of the Security Commission, it reads:

In or about December 1956, the evidence of an active, listed market for the shares of Northern began to appear. From December 1956 to June 1957, inclusive, a widespread public interest in these shares materialized, resulting in very active, unlisted trading in the shares through registered and licensed dealers across Canada and in the United States.

The price at which shares were traded in this period rose rapidly and steadily from about \$10 in December, 1956 to a high of about \$28 just prior to the public issue in June 1957. Part of the public interest may be attributed to speculative interest in all natural gas transmitting and distributing companies resulting from the development of Trans Canada pipe line.

That was one of the excerpts and the other is that part of the same exhibit, at clause 16.

**From May 1954—**

and kindly notice the dates.

From May 1954 to about December 1956 there appears to be no particular yardstick for determining a fair value for the shares of Northern unless the price is arbitrarily set by the directors on the three occasions when rights were issued and can be so registered.

These were the excerpts I wanted to read. That is the first item.

The second item, of course, is that Mr. Rand refers to Mr. McGraw at various times in his report.

In the Rand Report we find first of all the stock value. He is questioned, Mr. McGraw, by Mr. Robinette at page 930 of the transcript, as follows:

Q. Now, you have indicated that there was a very active market in the stock of companies, including NONG in February, 1957, but I suggest to you when Mr. Farris first approached you in November, 1956, there was no such market and the value of the NONG shares were virtually unknown.

A. That is right.

At the bottom of that page there is a reference to the examination of this witness by Mr. Sedgwick in another trial.

Now, at Page 782, Line 13, Mr. Sedgwick put this question to you:

“Q. And you were asked, sir, about the trading in Northern Ontario Natural Gas stock in the fall of 1956 and my understanding is that there was little if any market for the shares at that time?”

And your answer is recorded:

“A. That is correct.”

And then on page 931 the answer of the same witness is recorded:

“A. Yes, because there was no real market at all, it not being listed.”

A. That is right.

Q. Is that correct?

A. Yes.

Q. Then, at Page 783, Lines 16 and 17, you were asked this question:

"Then, in late January, 1957, I think the phrase has been used, 'The market in gas stocks exploded'?"

A. Correct.

Q. And your answer was:

"A. Yes"

Is that correct?

A. Yes.

And then,

"Q. And shares rocketed from \$2 to \$10, 11 and 12?"

And your answer as recorded was:

"A. Correct."

So I am just leaving that part of the evidence of Mr. McGraw. Many more parts I will later refer to but I would like to underline that, as well as in the same trial of which we are speaking the question was put to the witness as I just reported at page 1566, at the bottom of the transcript:

Then in late January, 1957, I think the phrase has been used, "The market in gas stocks exploded"?"

A. Yes.

And shares rocketed from \$2 to \$10, 11 and 12?

A. Correct.

And I suppose nobody could ever have foreseen that in November of 1956?

A. Definitely not.

It was purely fortuitous?

A. Yes.

These I give to you as two pieces of evidentiary value to establish this point: what was I getting by an option on stock of NONG in July, 1956? I can give you under my oath only that when I received this my impression was one obviously of gratitude to Mr. Farris. I did not attach much importance to the \$2.50 except this. I had faith in that company and I have said that on many other occasions, and my trust in that company from a financial point of view is now quite well established. It has gone on and I put these letters aside. Now, therefore, gentlemen, that is only one item which I bring out to show you that I did not value this so-called offer other than an

intention of what I would do the following year after I was mayor.

**The Joint Chairman Mr. Laflamme:** Pardon me, Mr. Justice Landreville, on this precise point may I refer you to Exhibit 141 of the Rand Commission, which is your full testimony before—no not in the Rand Commission, but the Ontario Securities Commission—your testimony of October 3 and 4, 1962. When you did testify at page 61 you said to a question asked by Mr. Bray:

A. Well, I would like, I would ask anyone to transpose himself into my frame of mind. As a result of the information I had concerning the gas question, which information was open to any citizen of Sudbury, the conclusion was, number one, that Northern Ontario Natural Gas was a responsible firm that would reasonably be expected to be successful in its venture of gas distribution in Northern Ontario.

With that information and the recommendation of our Government, the recommendation of the Ontario Fuel Board, it was obvious to me that this would be a good investment. I was fully aware of the fact that the contract would not go into performance until the following year and that this investment could be capitalized on in years to come.

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** Is it not your own or your personal appraisal of the value of the option you had received on July 20?

**Mr. Landreville:** Mr. Chairman, I refer to my letter of July 30. It was just passed over to someone, July 30, 1956.

**Mr. Fortier:** It is page 21.

**Mr. Landreville:** That is quite correct, Mr. Chairman.

At the bottom of that letter I simply say—oh, the second paragraph:

I fully appreciate the advantages of the offer you outline to me and I fully intend to exercise this option before July 18, 1957.

• (4 p.m.)

So my letter of July 30 substantiates that very evidence. I say here today, not in contradiction to what I have ever said anywhere else, that while this was a speculative venture, it had no cash assets; the prospects looked good and that is



why I was intending to exercise the option. Mr. Chairman, am I making myself clear? In short, that in my opinion, at least unless I misunderstood, there is no disparity in what I am saying here today, to what—and I espouse my words that I said in 1962 as well.

**The Joint Chairman Mr. Laflamme:** I just raised this part of the evidence that you have rendered before the Ontario Securities Commission because I really think that the members are much more interested in trying to find out what your own appraisal was of the value of the option, than trying to point out before the members what could have been the real value at the time you had received the option, since you have already testified that "I was fully aware of the fact that the contract would not go into performance until the following year and that this investment could be capitalized in years to come". I think what is of much interest to the members, is to know precisely what your own appraisal was of the value of the option, but not listening to what precisely the real value at the time could have been.

**Mr. Landreville:** Let me put it this way to you. Today I am using hindsight, because at that time I did not have before me the transcript and the evidence of others and I do not wish this Committee to be misled into the belief that I am building up a case in hindsight. My appraisal is as correctly read by you, Mr. Chairman. In 1962 the prospect looked good for this company—

**Mr. Fortier:** In 1956.

**Mr. Landreville:** In 1956, excuse me. It looked good for this company, and I have indicated to you that I received option on other companies at their beginning which turned out to be fabulous, but this looked better than others, and furthermore—

[Translation]

**The Joint Chairman Mr. Laflamme:** Excuse me, Mr. Justice, I do not want to interrupt you or prevent you from giving to the members of the Committee what you consider to be of important value with regard to the main facts we have to study. The only thing I would like to ask you is this. Do you not consider that it would be in your interest to

draw the attention of the members to the facts that concern you and not to the evidence that was given through all the investigations that took place, but more what concerns you and the evidence you gave on the option of July 20th, 1956. Not precisely to estimate the true value of the transaction, but to show why you received it, how you received it, etc. I think sincerely that we would not gain anything by going from left to right in the evidence, trying to prove what was done with regard to facts which are not quite pertinent to the question. I would like to draw your attention to this because I think it would be in the interest of all the members to know your attitude, your evidence, and to know specifically what are the facts that we have to study. What are your opinions on this?

**Mr. Landreville:** May I, Mr. Chairman, express first of all my appreciation for your guideline. I realize they are not orders you are giving me. I accept them simply in order to assist the Committee to see the facts and to determine the questions involved. As to your suggestions, I am very anxious to answer the members of the Committee and to limit myself to a strict analysis of the matter from a subjective point of view. This is what you are asking me, is it not?

**The Joint Chairman Mr. Laflamme:** This is the suggestion, but this does not stop you from going on the way you are now proceeding, because I think before we speak of the facts concerning others I think it will be in your interest to enlighten us on the facts which concern you because this is what we have to consider specifically.

**Mr. Landreville:** Would you prefer, Mr. Chairman—

[English]

It would be easier for me, because of the text, to continue in English. I may say that I am most grateful, as I said in French to the Chairman, for drawing to my attention what this Committee would be more concerned with, than referring to the value placed by others on that stock at that time. As I received this letter of July 20 I have appreciated it, first of all, because of the intention, and I do not hide that fact, of being associated the following year with what seemed to me a most promising company. I was quite willing. In so far as the value of the stock, I had the information only from the various hearings, from the feasibility studies made and dis-



closed publicly before the Fuel Board, and what I did was file those two letters. I was, not, contrary to what—I must say the general public is under the impression that in July, 1956, I received as Mayor of the City of Sudbury a gift of \$117,000 and, therefore, in that capacity as Mayor, that transaction appears to be to any logical man not to be for consideration, and the suspicion would be quite well founded, then, that there is something irregular; but you, and I am only concerned with the informed person: misinformed person I unfortunately cannot contend with, but those who want to know the facts know that when I received this offer, to me, it had some value, but speculative, unknown, and it was for the following year. Those are the points I wish to make.

**The Joint Chairman Senator Lang:** Mr. Justice Landreville, may I interject at that point. Do you not establish yourself, in that letter of July 30, the minimum value you place upon the option rights at that time? You say that you fully intend to exercise this option before July 18, 1957. In other words, you fully intend to pay \$25,000 on or before July 18, 1957. So you have placed upon that right a value which would be the commuted or present value of \$25,000, which as I would guess would be somewhere in the neighbourhood of \$22,000 or \$23,000.

**Mr. Landreville:** Ten thousand at \$2.50; that would be \$25,000.

**The Joint Chairman Senator Lang:** The present value. You say you are going to put it up one year later, so you must have placed a minimum present value of \$25,000 on that stock.

**Mr. Landreville:** Oh, yes.

**The Joint Chairman Senator Lang:** Payable in a year; so it would be something in the neighbourhood of \$22,000 to 23,000.

**Mr. Landreville:** I have always stated, and I repeat here again, that my letter of July 30 was written with the serious intention of buying that stock, and that is why I do say that I commit myself, I intend to exercise this option, because I had faith in this company. It had the franchises for the whole northern Ontario; and I do not minimize for a moment the possibility that this company may be going forward. Am I answering your question, sir?

**The Joint Chairman Senator Lang:** I take it that you would not express intention to buy it for \$25,000 one year hence, unless you felt that it was worth at least the present commuted value of \$25,000.

**Mr. Landreville:** Well, that is true, I felt at that time that when, say on July 18, 1957, I would not know what the value would be then, but by saying to the president, I intend to exercise this option, as a lawyer, it is a disclosure of intention and to me it was not still binding, but it was a man's word, as I intended to. Do I answer your question?

**The Joint Chairman Mr. Laflamme:** Do you think with your knowledge of the law that an intention of receiving or getting an option is a firm commitment.

**Mr. Landreville:** No, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** If you want to.

**Mr. Landreville:** No.

**Mr. Fortier:** You agree, in other words, with Mr. Justice Rand's legal assessment of this exchange of letters—

**Mr. Landreville:** Exactly.

**Mr. Fortier:** —that there was no legal obligation on your part to disburse \$25,000 before July 18, 1957.

**Mr. Landreville:** Exactly.

**Senator Langlois:** And even at that date.

**Mr. Landreville:** And even at that date; yes. Am I make that quite clear. But if you will look at the discussion, for whatever it may be worth as evidence, between Mr. Robinette and Mr. Rand in the end of the inquiry, I have always taken the stand that I said I was going to buy and I have—and we will see these events in a moment; but I give you a preview—on at least two occasions said to Mr. Farris in the fall of 1956, "I will buy that stock," and that was before it rose. I asked Mr. Farris if I could get it; he said I could get it. So, let us boil it down to this, that it was not a legal agreement in the sense that by February 1957, had I sued Mr. Farris for non-performance, that I wanted the stock and exercised the option, I would have succeeded in a law court, that I admit.

**Mr. Fortier:** And by the same token if the shares of NONG had been valued at, say \$1.50

in February 1957, you could not have been forced to pay \$25,000.

**Mr. Landreville:** Exactly. However, I think that Mr. Robinette translated the thought very well to Mr. Rand. He said: "The association between these two men was such that if one said something he kept his word." Mr. Rand disagreed with this; it is in the transcript, is it not.

**Mr. Fortier:** Yes.

**Mr. Gilbert:** Would you be suing Mr. Farris or would you be suing NONG?

**Mr. Landreville:** Naturally NONG, because the letter came from NONG; but may I just make one last point—

• (4.15 p.m.)

**Mr. Fortier:** It was a gentleman's agreement?

**Mr. Landreville:** It was a gentleman's agreement, and Mr. Robinette said to Mr. Rand—well, and there was a bit of flurry at that time—Mr. Rand would not believe that. Well, he said: "If you gave me your word today you will do something tomorrow, Mr. Rand, I would take it." And that is the type of thing. Now, I am coming back to the legal implications brought up. I have never stated anywhere that these were legal contracts made as an offer and accepted. To be legal, my offer—my letter of July 30 could have been phrased differently, very slightly, and I could have put a little red seal on. Then the option would have been binding, and it is the lack of that red seal, but between men—

**Mr. Fortier:** That is a different word.

**Mr. Landreville:** Well, I intend, yes. I do accept your offer, and here is the red seal. If I had put that, then it would have been a binding contract.

**Mr. Fortier:** Well what you said was "I intend to exercise".

**Mr. Landreville:** Exactly. I left myself—

**Mr. Fortier:** It was a unilateral choice, which you had left to yourself?

**Mr. Landreville:** Yes. And there was, as you can very well suspect, existing in my mind, what position am I going to fill with NONG? We had not even discussed that. I might not be interested after we had spoken in January or February to go with that company, in which case I might not have bought

the shares. But being an officer of that company I would be interested in having interest in that company as well.

**Mr. Fortier:** Do you say you feel that the nature of a gentleman's agreement as between Mr. Farris and yourself, and as evidenced by these two letters, changed with your appointment to the bench of the Supreme Court of Ontario?

**Mr. Landreville:** Well, now, Mr. Fortier, with due respect here, I want to carry the Committee chronologically. We are up to three months ahead of them. May I, with your permission, Mr. Chairman—

**Mr. Fortier:** I am ahead of myself.

**Mr. Landreville:** We stopped at this point because I wanted you to follow me. So the end of July—you may ask why I did not disclose that to the members of council. Another reason is that in August, I had the honour to represent Canada in the Canadian Mayors and Municipalities in Panama. And, I was there with my wife, I believe, from August 12 to the 24 of that month.

**Mr. Fortier:** At what hotel were you?

**Mr. Landreville:** Panama Hotel. On August 29, Mr. Justice Chevrier died. I had been approached, gentlemen, I must disclose, I believe in 1953, to go to the Supreme Court—I gave you that statement yesterday—and then again, I was approached by my own Member of Parliament, who from conversations with others in Ottawa, and then I received a message. It came directly. Mr. St. Laurent had come to Sudbury; he knew me, and it was felt in high circles that it was necessary for me to fill that office. Now, I must immediately tell you that I do not plead sacrifice. That invitation came; I asked for 10 days delay to give it some thought. I discussed it, obviously with my closest friends. I discussed it with Judge Waisberg—you all know Judge Waisberg, a clerk-controller—I disclosed to him that the next year I would be continuing my law office, and completely retired from public life any more and be interested with NONG. On the verification with Judge Waisberg, I must say that his memory fails to be candid and frank to you. During that time, for a period of 10 days, I attended a banquet in North Bay Chamber of Commerce. And there, Mr. Farris was in attendance with Mr. Clark.

**The Joint Chairman Mr. Laflamme:** What date?



**Mr. Fortier:** Tuesday, prior to September 19, 1956.

**Mr. Landreville:** Unfortunately I forgot my diaries, my date books, I have 22 of these and they are coming.

**Mr. Fortier:** It can be pinpointed to the Tuesday before 19 September, 1956. I am going to—

**Mr. Landreville:** At that time, my mind was not made up. I discussed with Mr. Farris and Mr. Clark whether or not I should accede to this suggestion. The message that came impressed me upon my duty to go and serve on the Bench. Mr. Farris thought that the position should be accepted. In passing, I did mention to Mr. Farris that it was unfortunate because I had looked forward to a continued association with this company, and that I was happy in my life in Sudbury. Whether I could still maintain the shares or not, was a passing comment. I valued the option, some value, speculative, as it may be. If he had said no, I would have done nothing of it, and that is all. But, he said "Yes, you can still have"—now remember what was the value of those shares at that time—he said "Yes, you can still have them." Then I did send in the letter to the government and agreed to accept the appointment. Now, gentlemen, this is no time for emotion, I fully realize we are dealing with facts. I have gone through 5 years. I had the option at that stage, of remaining in—

**Mr. Fortier:** Give him some water, please.

**The Joint Chairman Mr. Laflamme:** Maybe it would be appropriate if we adjourned for 10 minutes.

**Mr. Landreville:** I beg excuse of all of you gentlemen, please.

**The Joint Chairman Mr. Laflamme:** This Committee is adjourned for 10 minutes.

After recess.

• (4.30 p.m.)

**The Joint Chairman Mr. Laflamme:** Since the members are being called to the house for a vote, I shall ask if it would be appropriate to resume our sitting at five o'clock, or, say, five or ten minutes after five o'clock?

**An hon. Member:** Ten past would give us time to get here.

**The Joint Chairman Mr. Laflamme:** Is it agreed that we resume right after the vote?

**Senator Fournier (de Lanaudière):** Make it a quarter after five because they have to go to the house for the vote.

**Senator Langlois:** Do you not think we will be wasting time here?

**The Joint Chairman Mr. Laflamme:** Well, we will adjourn until 5.15 then.

After recess.

• (5.15 p.m.)

**Senator Fournier (de Lanaudière):** Mr. Chairman, Mr. Justice Landreville, we have been listening to you for a couple of days and we realize that you are becoming more and more exhausted. If the members of the Committee do not object, I would like to suggest that there may be two or three other important points on which you would like to elaborate; and after that it will be up to us to put questions to you, if we want more details on other points. We do not want to abuse your presence here and I know of course, you do not wish to abuse yourself in our presence here. Therefore I might suggest that you shorten remarks—we would not mind at all. You have the right though to go into all the details. As you told me yesterday, you will have that book against you for life, but we understand the position and we are human. Let us now proceed. Let us proceed as a giant, not as a child.

**Mr. Landreville:** I am grateful to the Senator for his compassionate remarks.

**Senator Fournier (de Lanaudière):** That was not the intention; it was not on compassionate grounds, it was just a human attempt.

**Mr. Landreville:** Well, I may first of all beg excuse for chocking on the thought, as we recessed. I am coming back to my text; I am referring to the Rand report. The inference is very strong indeed in this report that in July, 1967, I would have entered into some kind of clandestine agreement with Mr. Farris. That is the inference. In short, I would have done that out of greed, to enrich myself. I can only explain the choking on the thought because after years of service in my municipality at no salary, on commissions and boards, leaving my law office to be mayor for two years at \$5,000 and leaving the city of Sudbury and accepting the appointment as a judge of the Supreme Court at \$18,000, I ask only to myself the question, whether greed could motivate me. Had I stayed in my municipality where my law office brought in many times



the honorarium as a judge, then coupled with the testimony of Mr. Farris who said that I would be a director at a certain amount the following year with the possible legal fees which he says they paid to another firm at \$250,000 in the first year of operation—is that right, Mr. Fortier?

**Mr. Fortier:** Yes, we shall leave the firm name aside, I trust.

**Mr. Landreville:** Yes, we shall leave the firm name aside. I have left these to accept the appointment as a judge of the Supreme Court. I do not come here to say that I regret the choice I have made; not at all. I have served—and I do not wish at this stage to make any kind of speech—simply out of dedication to a profession that I love, and in an effort to do something in the field I knew for my fellow Canadians. That is all. Now, I could go over all the characteristics that Mr. Rand ascribes to me, with unrestrained ambition, intolerant towards subordinates, untruthful in small matters, arrogant, indication of social snob, prudish, schemer, a hedonist, one who with Mr. Farris viewed the petty morality of the middle class as no more than a hindrance to the public and private interests of large scale enterprise, an egoist, an opportunist, resourceful superficially and other so-called traits of character.

Now, I want to assure you, gentlemen, I am not going to produce a list of witnesses to show that I am not, on each of those scores, that type. I am not going to, neither, indulge in name calling my accuser. I respect him as a jurist for many years, but I come back—

**Senator Fournier (de Lanaudière):** Who was your accuser, and in what capacity was he?

**Mr. Landreville:** He was acting as a commissioner. Are you referring to Mr. Rand?

**Senator Fournier (de Lanaudière):** Well, yes, your accuser. I would like to have him named.

**Mr. Landreville:** Well, the name is, according to this report, Mr. Rand.

**Mr. McCleave:** Mr. Chairman, that is an improper statement to make and I rise on a question of privilege here. We are dealing with the report of a man who, as far as we know, has entered into this thing in a judicial spirit and made certain findings. If Mr. Justice Landreville in his own court had made a

finding against somebody, and this was taken on appeal of some other body, the person appealing would not say that Mr. Justice Landreville was an accuser; he would say that he was a judge who might be in error, or something. I think that is extravagant and uncalled for language and I think the Judge should return himself to the questions that face this Committee.

**Senator Fournier (de Lanaudière):** The hon. Mr. Rand was not acting in his capacity as a judge. He was there as a commissioner, and the remarks that were made by Mr. Landreville are very far from being as vicious as those by Mr. Rand in his report.

**The Joint Chairman Mr. Laflamme:** Order, please. I really think there was a very important point of order raised by Mr. McCleave. I really think, with the consent of the Joint Chairman, we will not allow, as Joint Chairmen, any reference to Mr. Justice Rand himself. I really think we should recognize the fact that this man has accomplished an important and not an easy task. He was asked to do so and he did so. I really think we should resume our consideration of the facts, considerations and conclusions reached by Mr. Justice Rand, but I will repeat, as I said last night, we should not put Mr. Justice Rand on trial. We should look into the facts, considerations and conclusions reached in the Rand report through the evidence given before Mr. Justice Rand. I think it would be fair to avoid, as much as we can,—

**Senator Fournier (de Lanaudière):** Mr. Chairman, I bow respectfully to your decision.

**The Joint Chairman Mr. Laflamme:** As to the suggestion made by Mr. McCleave, I think I for one am not influenced, Mr. Justice Landreville, at all by the characteristics you have just referred to in the Rand report. I am not influenced at all by that, but I really think it might be the consensus of most of the members that the characteristics are not of much importance in dealing with this crucial issue.

**Mr. Fortier:** I think Mr. Justice Landreville might be glad to withdraw that word.

**Mr. Landreville:** That word was "invited" and I readily withdraw it. I certainly wish to deal with facts, and I only repeat what I just finished stating, I am not going to indulge in name-calling, Mr. Chairman. May I continue now?

**The Joint Chairman Mr. Laflamme:** Thank you very much, Mr. Justice Landreville.

**Mr. Landreville:** There is, however, at this stage, Mr. Chairman—and you have just stated that you are not going to be guided by the list of characteristics which are ascribed to me in the Rand report. I want to know as a matter of ruling whether or not they are to be deleted from this report as such, or simply disregarded entirely, and by whom?

**The Joint Chairman Mr. Laflamme:** It is not within our responsibility to delete any of the words written by Mr. Justice Rand in his report. His report has been presented to us within our terms of reference of the House of Commons and we have to deal with the facts, considerations and conclusions reached by him.

**Mr. Cashin:** Mr. Chairman, may I say a word on that point. I believe the real issue, which seems to be in my mind and I believe in most of our minds, is—on page 107—the three conclusions of Mr. Justice Rand. The first one, it seems to me, is the basic issue on which this Committee must turn, namely whether in fact the transaction involving Mr. Justice Landreville was an impropriety, bearing in mind the position held by Mr. Landreville. Therefore, what has been pointed out by counsel as obiter, the comments of Mr. Justice Rand, in my view in reading the report, seem to be extreme and unnecessary. I do not feel that discussion on these characteristics as mentioned by Mr. Rand will accomplish much. While they undoubtedly are very offensive to the man they were said about, the issue really is, was this an impropriety. What I believe would be helpful are the comments of Mr. Justice Landreville on this very point. Because of the particular nature of his office, and in view of the circumstances, was this an impropriety, not an illegality, but an impropriety, bearing in mind the responsibility the public expects of people in high places.

**Senator Cook:** May I just add, Mr. Chairman, that I heartily agree. I do not think the Committee is concerned at all with what type of man Mr. Justice Landreville is. All we are concerned with is, what did Mr. Justice Landreville do.

**Mr. Landreville:** Mr. Chairman, if I may pursue, in relating the facts, I will deal with

these very three conclusions. That is my undertaking to you. That is the whole purport, but you must know these facts which surround the events of July, August and September 1956, so that his conclusions all fit or do not fit as to propriety into the picture. With respect to the legal consideration and other matters, that I am willing to discuss at a later stage as an aspect of the law. I am relating now facts of September; that I had a meeting with Mr. Farris in North Bay and the shares were mentioned. I asked him if I could still purchase the shares and he said yes. In October, and you will note there is an exhibit filed with the Commissioner, a note attached to the letter of July 30, and it is in my own handwriting. It is dated October 8, 1956. I say that I do not recall whether it was written on that same day—I have said that before—and it reads as follows:

Farris asked me if I wanted the shares now that I am on the Bench and I told him yes and I would take all of them and so inform the broker and I would pay for a good block of them in a couple of months and send a cheque to Continental.

And this is a mere initial. This is a memorandum. Mr. Farris did telephone me after I had made—

• (5.30 p.m.)

**The Joint Chairman Senator Lang:** Excuse me, Mr. Landreville. Were those words, “to inform the broker,” or “so inform the broker,” as you refer to them? It is, “to inform the broker,” in the Rand report.

**The Joint Chairman Mr. Laflamme:** Page 25 of the Rand report.

**Mr. Landreville:** —“and so inform.” The words are, “take all of them and to so inform”—

**The Joint Chairman Mr. Laflamme:** This was corrected on page 26 of the Rand report.

**Senator Hnatyshyn:** Mr. Chairman, in the exhibit which was read, is it, “so inform”, in the exhibit?

**The Joint Chairman Mr. Laflamme:** It is, “to so inform”.

**Senator Hnatyshyn:** Thank you.

**Mr. Landreville:** Now, on this item there is some evidence in the transcript that in October and November of 1956, Mr. McGraw of Continental was in negotiation with Mr. Farris. Mr. Farris was to sell a block of 14,000



shares to Continental Investment, which is the firm of Mr. McGraw.

**Mr. Fortier:** Was that in the evidence?

**Mr. Landreville:** It is.

**Mr. Fortier:** Do you have the reference?

**Mr. Landreville:** Mr. Fortier, I have not got it ready at hand; I know it is there, and subject to absolute proof on that point, I will in a minute—

**Mr. Fortier:** It might be an important point to the members of this Committee. It might bear repeating.

**Mr. Landreville:** In the fall of 1956, Mr. Farris and Mr. McGraw were in negotiation, and McGraw's firm were a sort of a broker's broker, or a clearing house for the shares of NONG company. Farris and McGraw's evidence also discloses that they had spoken about a sale of 14,000 shares to Continental and to finance, because they had employees to pay and other things. Do you recall that, Mr. Fortier?

**Mr. Fortier:** Yes.

**Mr. Landreville:** —to finance the operations of their growing company. Now, a letter of commitment to sell was written in January.

**Mr. Fortier:** It is at page 896.

**Mr. Landreville:** Dated back to November—

**Mr. Fortier:** November 14, 1956.

**Mr. Landreville:** Yes, on their memory of the events, but there is evidence that they were not sure whether it took place in October or November. Is that correct, Mr. Fortier?

**Mr. Fortier:** Yes, subject to the explanation you have just given now, sir, I would—

**Mr. Landreville:** Yes, well, I am giving only this explanation that my memo attached as of October, that Farris mentioned to me the name Continental at that time. I indicated to him that I would pick up some shares.

Now, I could have waited undoubtedly, and you may quite reasonably ask why. I had liquidated certain assets in Sudbury at the time—I was moving out. I came to Toronto in September. I was sworn in on October 12 or thereabouts, and then pursued my occupation on the bench. Then, in November, December,

January, very little did take part. I do not recall specifically coming into contact with Mr. Farris as I was on circuit, various courts.

I have stated before that towards the beginning of February, 1957, I received a telephone call and my strong impression was that it was from Continental, at least it was a broker's office. I have stated that on several occasions up to now, and I repeat it. I was told the shares were \$10 and I gave instructions—or I was asked if it was all right to sell 2,500 of those shares to pay what I owed and I gave my authority. Mr. Rand will, as you will see from his report, and does go at great length into questioning the existence of that telephone call. I repeated, and I believe there is some evidence which should give credibility to my statement, in view of the fact that, firstly, you have an exhibit filed by the Rand Commission showing an account in the name of Landreville with 10,000 shares and debit, \$25,000, as of February 12, 1957.

Now, I must promptly add that at no time have I denied that Farris put those shares there, at Continental, in McGraw's account, for me, earmarked, and gave instructions to McGraw. I have at no time denied the part that Farris played in this, in arranging that account, and also the account of at least three other persons. I may be labouring the point that this 14,000 shares of which was spoken of in the fall, then dated as of November, 1956, was sent over the McGraw for \$35,000. McGraw in his evidence said that he was relying on the credit of Farris. Then, at this stage, McGraw was told to be told by Farris that there would be customers to buy those shares, and he need not have any fear. Now, it is always most dangerous to paraphrase. At page 892 McGraw, under questioning by Mr. Morrow, said:

Q. When did you first have anything directly to do with Northern Ontario Natural Gas?

A. I would say in the fall of 1956.

That was the first blanket statement. Then, at page 899, line 7:

Q. When we come to the second one of January 28th, you tell them what denominations but you don't give them the names. Do I take it you still do not know the names?

A. I still didn't know.

Those are the names of those who would pick up those shares of 14,000. At page 904, line 11:



Q. When you say that they were not paid for, where did the \$25,000 come from?

A. Well, we sold sufficient of the 10,000 to pay for the stock.

I am referring now to the 10,000 shares that was on the ledger account in my name.

**Mr. Fortier:** The members of the Committee may like to be told that the 2,500 shares were transferred subsequently from your account to Mr. Farris' account.

**Mr. Landreville:** Yes, and then from Mr. Farris' account to another account because it had been done by mistake. Am I correct?

**Mr. Fortier:** A few years later. The transfer back from Mr. Farris' account to another account was made, if I remember the evidence of Mr. McGraw, at a time when Mr. Farris was having some problems with his income tax in British Columbia.

**Mr. Landreville:** Well, I am not aware of that; I regret.

**Mr. Fortier:** The transfer was made directly from your account of 2,500 shares to Mr. Farris'.

**Senator Cook:** On that point made by Mr. Fortier, what were the shares being sold for on February 20?

**Mr. Landreville:** I am going to exactly point that out to you, sir. We have that very clearly in the evidence here. At page 912:

Q. Well then, where did the twenty-five hundred shares that were disposed of on the 12th of February, 1957, and which resulted in a \$25,000 credit go to?

A. Our company bought them for ten dollars a share.

That is, Continental bought the 2,500 shares themselves.

**Mr. Fortier:** At pages 905 and 906, at the bottom of page 905, it states:

—credit Mr. Justice A. Landreville re R. K. Farris—\$25,000 and transfer 2,500 Northern Ontario—

And at the top of page 906 to

—R. K. Farris—Account No. 1—

**Mr. Landreville:** Well, Mr. McGraw says:

A. Sir, I am not an accountant, I don't know. Did you ask my accountant about that?

This is at page 908.

25772—2

He was very confused on the various items. I will just answer your question, sir, right now. There is in the evidence that at no time in February, 1957, those shares were worth less—I have got the quote—than \$13. Is that correct, Mr. Fortier.

**Mr. Fortier:** Yes, that is my recollection.

**Mr. Landreville:** At no time—

**Mr. Fortier:** At no time were they worth less than \$13.

**Senator Cook:** At no time were they worth less.

**Mr. Landreville:** Less, and therefore—

**Senator Cook:** Why were they sold for \$10?

**Mr. Landreville:** I was advised they were worth \$10, and there is the point that Mr. Rand makes. There was no commission or brokerage fee. Well, Mr. McGraw made the difference of \$10 to \$13 on 2,500 shares, and that is clearly established in the evidence.

**Senator Cook:** I do not want to press it, but was it not a matter of common knowledge, at that time, that the shares were worth \$13.50?

**Mr. Landreville:** Sir, I can tell you, not to my knowledge; not to my knowledge. There is evidence if Mr. Fortier will say, it was an unlisted stock, as it was then, it varied from day to day, and there is evidence. Is that right Mr. Fortier?

**Mr. Fortier:** Yes. So you have pointed out, it was never below \$13.

**Mr. Landreville:** Yes, but it varied from day, an unknown—

**Senator Hnatyshyn:** What about the month of February, or January? I have not had the benefit of Mr. Fortier's reading of the evidence. What is the evidence, that they were not worth more than—

**Mr. Fortier:** They were \$13 about the middle of January and on—

**Mr. Landreville:** No, no—later—

**Mr. Fortier:** From the month of January on they were never worth less than \$13.

**Mr. McCleave:** Mr. Chairman, the fact they were unlisted does not mean they were unpublished, and I wonder whether counsel or the Judge could clear this up when we

resume tomorrow, and whether we could have a report on the market prices of this stock all the way through the piece from say, the July before until this particular date in February.

**Mr. Gilbert:** Mr. Chairman, I think we should also have the rates of growth through the piece of the sale of the shares.

**The Joint Chairman Mr. Laflamme:** Well, while you are discussing this very important matter, the bell is ringing through the recording system, and I think we might as well adjourn since there is another vote in the house. This meeting is adjourned until nine o'clock tomorrow morning.

**An hon. Member:** Make it 9.30, Mr. Chairman.

**Mr. Cashin:** Mr. Chairman, in which room will we be holding the meeting. Room 209 is small.

**The Joint Chairman Mr. Laflamme:** We, will be meeting in room 307, at 9.30 a.m.

---

Thursday, March 2, 1967.

• (9.40 a.m.)

**The Joint Chairman Mr. Laflamme:** Order. We have a quorum. I think we will resume our deliberations with the evidence of Mr. Justice Landreville.

**Mr. Fortier:** Mr. Chairman, if I may, I came across a dispatch from the Canadian Press yesterday; I read it in the *Ottawa Journal*. I think, in all fairness to Mr. Justice Landreville, it should be pointed out that the statement which I will now read is not in accordance with the facts that have been put before the members of the Committee.

It read:

The Ontario Supreme Court judge faces impeachment as a result of the findings by Ivan Rand that he was guilty of dereliction of duty both as a judge and as a former mayor of Sudbury.

I think members of the committee will agree that there is no suggestion anywhere in the Rand Report that Mr. Justice Landreville was guilty of dereliction of duty as a judge, and I think the record should show that there is no such evidence anywhere in the report.

**Senator Hnatyshyn:** A pretty poor report.

**Mr. Fortier:** Let us assume that it is a mistake in draftmanship.

**Senator Hnatyshyn:** These things are serious as far as the public are concerned, and I am glad that you raised it.

**Senator Fournier (de Lanaudière):** I hope this news agency will have the fairness, the honesty and the courage to make a proper correction.

**Mr. Bell (Carleton):** Mr. Chairman, just on this point, I would wish that the news media would stop referring to impeachment proceedings. This, of course, is not impeachment; impeachment is a technical word whereby a lower house presents a charge before an upper house. We are not engaged in that at all; we are engaged in procedures which relate to the British North America Act and have nothing whatever to do with impeachment.

**Senator Fournier (de Lanaudière):** We are not here to make a show and be sensational in order to make big news for the public attention; we are here to render justice; that is all.

**Mr. Landreville:** Mr. Chairman, may I, by way of introduction, just wish to correct also some impression that may have been gathered by the members here, but has certainly been gathered by the press in Toronto, particularly two newspapers, in which I appeared on the first night to have alleged that the reason why I was before you was because I was a French Canadian; in short, I was being persecuted. I have my words here, that I did say, and I repeat them in French:

(Translation)

Out of the 32 judges of the Supreme Court in Ontario, these events have befallen the only judge of your language.

(English)

I did say that, and the next sentence:

The word "ressens" means means "I feel this deeply"; in short, I am sorry for that situation, because—but it was translated in the *Toronto Press* as "I resent this deeply" which is an entirely different meaning and gives the inference—

**The Joint Chairman Mr. Laflamme:** Mr. Justice, I understand that it is a correction, but I thought you have precisely said—why pick out the fact that you were the only one with a French name.

**Mr. Landreville:** Mr. Chairman, allow me this explanation. In all fairness, it is this; I am cognizant, as everyone is cognizant, that



judges in a province are appointed from different areas; they are appointed from different ethnic groups, and that is a long tradition. I only express my regret; in so far as giving any tone of racism, I will not say anything else, but those who have known me all my life, and particularly in Sudbury, where you have 28 races, if you have any kind of racism, in you, you never stand.

May I close on that topic?

**The Joint Chairman Mr. Laflamme:** Yes, I do not think we wish to go very far on that question.

• (9.45 a.m.)

**Mr. Landreville:** Thank you, Mr. Chairman. Yesterday at closing time, if you recall, a member did question the value of the shares as of February, 1957. That question was put, I take it, as well to Mr. Fortier, to inquire into, as well as to myself. I only have here what I consider is the best evidence obtainable, which is that the price of stock in February, according to Mr. McGraw, was varied by \$2.00, but was at \$13.00. There was also a question, if the stock was unlisted, was there an actual listing in the newspapers on that day. I have not made a search in that respect; I thought Mr. Fortier might have done.

**Mr. Fortier:** Yes, I did. I think it was Mr. McCleave who asked the question—he is not with us yet this morning, Mr. Chairman. I had it in the back of my mind that there had been an exhibit file showing the fluctuations of the unlisted stock of Northern Ontario from the 1st of January to the 1st of June, 1957. I was wrong; there was no such exhibit. I reread, yesterday evening, the evidence of Mr. Dulian who is Mr. McGraw's accountant. I also reread Mr. McGraw's own evidence, and the only evidence on this point that I could find, was first of all Mr. Dulian's evidence at page 307. There was a question from the Commissioner with reference to this sale of stock for Mr. Justice Landreville at \$10:

The Commissioner: It is rather peculiar, because there are very few sales at \$10.00. There were sales at \$11.50, \$12.00 and \$13.00—

The Witness: Yes—the market was fluctuating.

Mr. McGraw, at page 897, says this:

Q. It starts, "Northern Ontario Gas."

Can you tell me this?

A. I would say that's around \$10.00.

Q. When we get down into the 10th January, I see in the memo here a price

of \$14.25. Would that mean you had actually made sales at this price?

A. Sales at this price, yes.

So it will be seen in January there were sales at \$14.25. In February, the market was fluctuating between \$11.50 and \$13. This is the only evidence that I could find on the record, with respect to the bid and asked price of Northern Ontario during those two months. There is another exhibit which may be of interest to the members of the Committee, and it is—

**Mr. Landreville:** On page 897 of Mr. McGraw.

**Mr. Fortier:** Yes; it is the one I just quoted from.

**Mr. Landreville:** At line 10:

A. The stock was not listed.

Q. What do you mean by "not listed", in your language?

A. Well, it isn't quoted daily on the Stock Exchange and you would take what you could get for it.

**Mr. Fortier:** That is right. And further down the page is this quote that I read earlier.

Q. When we get down into the 10th January, I see in the memo here a price of \$14.25. Would that mean you had actually made sales at this price?

A. Sales at this price, yes.

Exhibit No. 147, which was filed before the Rand Commission, and which is entitled: "An analysis of the sales of shares, by Mr. W. H. Chisholm" is actually an analysis of the sales by Mr. Justice Landreville of his shares in Northern Ontario. I think members of the Committee may be interested to note that, as appears from that exhibit, on February 26, 1400 shares were sold by His Lordship at \$14.50. On March 1, there was again a sale at \$14.50. On March 26, there was a sale at \$17.75; ditto on March 27.

**Mr. Bell (Carleton):** How many shares were sold?

**Mr. Fortier:** I do not want to burden the Committee. I could read the two pages, but it is here for the examination of the members, if they so wish.

**Mr. Tolmie:** Mr. Chairman, I would like to clear up one point. Does Mr. Justice Landreville's name appear at any time on the share register of NONG?



**Mr. Fortier:** If the question is asked of me, I would say an unqualified no.

**Mr. Landreville:** I would agree with Mr. Fortier. What happened is NONG sold 14,000 shares to Continental Investment, for which they were to receive \$35,000, and did in fact, by cheque. Then Continental distributed those shares to three or four parties, was it four?

**Mr. Fortier:** I think three.

**Mr. Landreville:** Four persons, and they opened up an account—the accounts are here—in each of these person's names.

**Mr. Tolmie:** And that is your explanation why your name does not appear on NONG register?

**Mr. Landreville:** That is my explanation. And, I have never denied Mr. Farris' statement, and the evidence is quite conclusive that Mr. Farris did arrange to sell these shares to Mr. McGraw, earmarking, so to speak, those shares for those individuals.

**Mr. Tolmie:** Thank you.

**Mr. Landreville:** But there is an account clearly in my name, shown as an exhibit.

Now, gentlemen, I do propose, after all these preliminaries to get into the subject matter, which you have—and the only one which you have—before you, which is the Rand Report itself.

I am being advised here I should review possibly the evidence of Mr. Clark, as to why an option was given to me. I thought I had touched on that point yesterday. Do any members want clarification?

**Senator Cook:** I had thought about it.

**Mr. Landreville:** I will just very briefly—

**The Joint Chairman Mr. Laflamme:** Mr. Clark is the same one who has signed, with Mr. Farris, the agreement of July 20?

**Mr. Fortier:** Yes, Mr. C. Spencer Clark.

**Senator Hnatyshyn:** Was he the Executive Vice-president

**Mr. Landreville:** He is the Vice President of NONG Company.

At the bottom of page 113, line 26

Q. This was not—this letter...

And that refers to the letter of July 20, 1956.

—this opportunity to Mr. Landreville

was not given for the purpose of raising money for the company, was it?

Mr. Morrow asked:

A. Well, not at the time, because it is open for a year.

Question on page 114:

The only purpose, so far as you know, was to encourage him as—to get him interested in your company?

A. As a future officer, yes, sir.

Q. Have you any idea of when he was to take office and act as a future officer from your recollection of your discussion with Mr. Farris?

A. No specific date, not—as I explained previously, we—I think we all presumed, or it was unspoken that Mr. Landreville continue as mayor until his term was up, which I understood at that time was December, and that should pretty well coincide with the financial balance of both Trans-Canada and ourselves and that, while we are a viable concern, and we are able to afford expensive executives—I was working for no salary at the time—then we would consummate the arrangements.

Mr. Clark also speaks, if you wish, at page 115, line 18:

Q. Did you either—I suppose you can't say from your own knowledge from talking to him, because you can't remember talking to him, but do you know if Mr. Farris assured you at the time you signed this that he had a pledge from Mr. Landreville to work for the company in the future?

A. Mr. Farris, from time to time, right around this time, had mentioned the fact that we were extremely lucky to be able to look forward to Mr. Landreville as an executive of the company at some time in the future after his civic commitments were over with and I had agreed that this was a fine thing for the company.

And that about closes that aspect of it.

**Mr. Fortier:** I think, Mr. Chairman, for the enlightenment of the Members of the Committee, if Mr. Justice Landreville is going to close Mr. Clark's testimony at this point, their attention should also be brought to page 57 of the Rand Report where a portion of Mr. Clark's testimony before the Ontario Securities Commission is reproduced, with respect to this particular letter of July 20. The

answers and questions are to be found at the top of page 57. Again, as I say, in relation to or with reference to this letter of July 20. This is Mr. Clark's testimony four years before his testimony before Commissioner Rand.

**Mr. Landreville:** Yes, I will comment on this.

**Mr. Fortier:** It is just a full picture—

**Mr. Landreville:** Yes.

This letter was drafted between Mr. Farris and Landreville—

The inference being that Farris and I sat down and drafted this letter. I will testify on that part and inform you just who drafted the letter.

Now, dealing with the Rand Report, in the first page after the official heading, you find the terms of reference. I take it that it is within your discretion to interpret the terms of reference. I am referring to the page where it starts: "To all to whom these presents shall come" at the very beginning. Now, I refer to (a) and (b) of those terms of reference:

—inquire into the dealings of the Honourable Mr. Justice Léo A. Landreville with Northern Ontario Natural Gas—

I will leave the rest.

(b) advise whether, in the opinion of Our Commissioner, anything done by Mr. Justice Landreville in the course of such dealings constituted misbehaviour in his official capacity as a judge—

—or whether the Honourable Mr. Justice Landreville has by such dealings proved himself unfit—

For the Record I must note that I have cut out some words.

**The Joint Chairman Mr. Laflamme:** Do you really think, Mr. Justice Landreville, that we have to go into those details and decide whether Justice Rand has gone beyond his term of reference or not or decide on our terms of reference.

**Mr. Landreville:** Well, it is a question of interpretation of what were the terms of reference. If you wish the benefit of my view, I understand that this is not a trial, but a report is going to emanate from this, and in that report, Mr. Chairman, you will be interpreting your duties in line with those terms of reference.

• (10 a.m.)

**The Joint Chairman Mr. Laflamme:** Yes, but I really felt that in line with the suggestion that I made to you yesterday, you would elaborate on the facts instead of dealing with legal issues. I have advised you that it is my feeling as Joint Chairman of the Committee that most of the members at least are highly interested in being enlightened on some of the relevant facts concerning yourself but not on a precise discussion of the legal issues.

**Mr. Landreville:** Mr. Chairman, let me make it quite clear—

**Senator Hnatyshyn:** Mr. Chairman, I think he has to deal with the Rand Report; that is the way I see it. Mr. Justice Landreville is a witness in the first place; that is true, but I think he should present his viewpoint from a legal point as he sees it for our benefit and consideration as well. Let us suppose—I am not saying that is the result—that the report goes beyond the jurisdiction or the reference that was referred to the Commissioner, I would be interested in Mr. Justice Landreville's opinion on that matter.

**The Joint Chairman Mr. Laflamme:** This is your suggestion, but as Joint Chairman I must say, even though we all have great respect for the knowledge of our learned witness, I do not think it is opportune for witnesses before house committees to direct our deliberations. I think it is up to the members to decide what is or is not relevant. Your suggestion might be a good one, if it is the wish of the members of the Committee that we listen to Mr. Justice Landreville on his views of the legal aspects of the terms of reference; whether Justice Rand went beyond them or not. It is up to the members to decide.

**Senator Macdonald (Cape Breton):** Mr. Chairman, I think Judge Landreville, as the man most directly concerned, and as this is of great importance to him—it is obvious he has given a lot of thought to the preparation of his presentation—should be allowed to present it as he sees fit.

**The Joint Chairman Mr. Laflamme:** Is it agreed?

**Some hon. Members:** Agreed.

**The Joint Chairman Mr. Laflamme:** Carry on.

**Mr. Landreville:** Let me assure you that I do not wish to abuse your time,



but this, as I have pointed out, is of relevance in analysing the entire report. I take, Mr. Chairman, the official documents from the House as to the existence of this Committee being created as an extension in every part of Parliament. On the basis of the resolution sent to you—if you read those words—it has already been ruled that in view of the facts, considerations and conclusions contained in the report of the honourable Ivan C. Rand, in short, the entire report is referred to you. I have been told—subject to correction unless I have misunderstood—that all of this report is before you and you cannot—it is not within your jurisdiction to delete parts, and say, we are just going to return a part of the report or disregard it. To me, this document represents the document of my life. Whatever is said in there is relevant to me, and I do plead on the simple basis of natural justice that I be allowed to report. Am I making my point clear, Mr. Chairman?

**Mr. Bell (Carleton):** No one is denying that at all. I would only venture to suggest that Mr. Justice Landreville, who knows the rules of evidence very well indeed, should accept for himself the inhibitions which he would impose if he himself were presiding in the court room.

**Mr. Landreville:** I am grateful to you, sir. In that vein, Mr. Chairman, it has been all very well to say that the description of my character is irrelevantly entered as *obiter dicta* by Mr. Rand, at page 69 and sequence, but I must, and I cannot let until my dying day that description stand over my head. I am not going to burden you with many witnesses in that respect. I have, Mr. Chairman, subject to your allowing me so to introduce them, a very, very brief witness who is not available next week. I would like to—my counsel will examine him and question him very briefly and I would like to be allowed the permission to intersperse that before I go to the Rand report, Dr. John W. Fisher.

**The Joint Chairman Mr. Laflamme:** Who is he, and on what grounds is he going to testify? I am sorry, but I think it has been clearly stated in the meetings we had before with you, Mr. Justice Landreville, that we have to abide by article 69, paragraph 1, that no one is allowed—I am just saying that not because we will not or have decided not to listen to your witness, but I really think it is up to the members to decide if they will hear witnesses. They have to know on what grounds he will testify. It is a question—

**Mr. Tolmie:** Did I understand Justice Landreville to state that he does not want to proceed until this other witness is available?

**An hon. Member:** He is here.

**Mr. Tolmie:** Oh, he is here now, is he.

**Mr. Landreville:** He will not be available at a later date.

**Mr. Bell (Carleton):** What is the nature of his testimony?

**Mr. Landreville:** I want, I expect—

**Mr. Bell (Carleton):** You do not know, truly—

**Mr. Landreville:** I expect this witness to contradict the affirmations made by the Commissioner with respect to my propensities in life towards secrecy, clandestine agreements, integrity and general character. This witness, Mr. Chairman, has known me for 33 years.

**The Joint Chairman Mr. Laflamme:** Well, if we qualify this witness, this is precisely a character witness, is he not?

**Mr. Landreville:** I—

**The Joint Chairman Mr. Laflamme:** Is this witness going to accuse, contradict any of the relevant facts stated as evidence before Mr. Justice Rand?

**Mr. Landreville:** Mr. Chairman, the answer is no. He does not know the actual dealings, to use the terms of reference. I proceeded into this inquiry believing that we were going to adduce evidence as to dealings. It turns up that this document—and it is very relevant. If you do not wish to hear him, Mr. Chairman, in this Committee, I will definitely obey.

**The Joint Chairman Mr. Laflamme:** I did not say that I do not wish to—

**Mr. Tolmie:** Mr. Chairman, I think this is a case where this witness should be heard, but I also think the Committee should be advised if there are any more witnesses so that we know where we are going in our line of procedure. My opinion now is that this witness should be heard so that later on no aspersions can be cast that we have not given Mr. Justice Landreville a full and just hearing. I do think, out of deference to the Committee, that this should be done in a regular manner, so that we know of the witnesses we may expect.



**Mr. Landreville:** I am willing to abide by this suggestion, Mr. Chairman. Again, I am sort of groping in the dark, not exactly knowing what will satisfy the Committee on what points. I am willing to give you an outline of the intended witnesses, that is true.

**Mr. Gilbert:** Did Mr. Justice Landreville call character witnesses at the Rand hearing?

**Mr. Landreville:** Not at all. That is why—

**The Joint Chairman Mr. Laflamme:** The problem is this, Mr. Justice Landreville. I think it is the first time we have had the steering committee in the general meeting. I appreciate what you have said, that this witness you want to introduce to us is a character witness and he will testify, I am sure, in your favour, saying you are not so and so; but what will happen to us, and as a judge what could you do, if tomorrow some other witnesses wanted to testify against you?

**Mr. Landreville:** It is the privilege of this Committee to call them. Let me say this. Some gentleman yesterday commented that this is a semi-judicial document and that the Commissioner should not be attacked. I say, if it is a semi-judicial document, then it must have all the qualities of judicial documents. I reaffirm the fact that during the inquiry no cross-examination was directed towards my character and I did not introduce one witness. Now, the last item is, as my fellow Canadians I plead to you that for the rest of my life this document will stand. It has been distributed into the hands of all the judges, widely spread by the Queen's Printer and I have no chance to show some of its faults.

**The Joint Chairman Mr. Laflamme:** We had a steering committee meeting precisely on that subject, and I will ask counsel, Mr. Fortier, to advise us of the consequences of the path we would follow if we were to accept character witnesses.

**Mr. Fortier:** Mr. Chairman, I will be brief. Standing Order 69(1) has been drawn to your attention. It says that no witness may be heard by a Committee until the purport of his evidence has been communicated to the Committee and it has decided that his evidence would be material and relevant. Secondly, if you will refer to Dr. Ollivier's memo, of which I believe Mr. Justice Landreville has a copy, on page 14, where he discusses the Barrington case in England, you will see at the bottom the following.

**An hon. Member:** Page 18 of the official proceedings.

**Mr. Fortier:** Page 18 of the official proceedings. You will see and I quote:

Barrington wanted to call witnesses to his general conduct and character but the Committee refused and said this did not properly form any part of this inquiry—otherwise he could call witnesses to vindicate himself.

If Mr. Justice Landreville does not accept what this Committee communicated to him yesterday, that is, that all references to his character in the Rand report would be considered as *obiter* and would not influence the Committee in reaching a decision, and if he wishes now to adduce evidence as to his character, feeling that the substantive parts of Mr. Commissioner Rand's report dealing with his character influenced the learned jurist in reaching a decision and could conceivably influence the members of the Committee, I would say this evidence might be relevant and material, and consequently should be adduced before the Committee. If Mr. Justice Landreville does not accept what the members of the Committee said yesterday, and which they did not qualify, to wit, that they would not be influenced in reaching a decision by whatever Mr. Commissioner Rand said with reference to his character—

**Mr. Tolmie:** Mr. Chairman, on that one point, I think this *obiter* is very important in the sense that in many ways it could be very helpful to Mr. Justice Landreville, so I think it is something we are all going to consider and give a certain amount of weight to.

**Senator Hnatyshyn:** Mr. Chairman, just for clarification, do I understand from counsel, that if we treat this as *obiter dicta* I, as a member of the Committee, have no right to consider that, having made all these statements as to character, Commissioner Rand might then have been influenced as to the three points with which he concludes his report?

**Mr. Fortier:** Yes, on the one hand, and secondly, will you as members of the Committee be influenced by what you have read with respect to Mr. Justice Landreville's character in the Rand Report. It seems to me you all said yesterday that you would not.

**Senator Hnatyshyn:** Mr. Chairman, this is what bothers me. When I come to make up

my own mind, I want to be able to consider whether, in view of the very strong statements made about Mr. Justice Landreville's character, the Commissioner had been influenced in making the decision he made, in view of what he said and which has been called *obiter dicta*.

**Mr. Fortier:** Senator Hnatyshyn, on that point—

**The Joint Chairman Senator Lang:** If there are other members of the public who wish to come before this Committee and testify adversely as to Mr. Justice Landreville's character, what would the Committee's position be in that case?

**Senator Cook:** Do you not rule, Mr. Chairman, on each individual witness? I mean, if we hear this gentleman here now, and I am trying to bend over backwards to be kind, that, I understand, will not prevent the Committee in future from saying, this witness we will hear, this witness we do not wish to hear. Therefore, it seems to me that we are not in any way impeding or interfering with our deliberations, if we decide to hear Mr. Fisher.

**The Joint Chairman Mr. Laflamme:** I think Senator Cook, you are raising a very important point. I want to make it clear while the public and the press are here, that there is no intention at all as Joint Chairman of the Committee to prevent the adducing of relevant evidence. I must advise and warn the members that if we are going to follow that path, we will get ourselves into very delicate situations because we might receive right this afternoon or tomorrow letters asking for witnesses to come. If we have to decide which witnesses are going to appear—I think there is a rule which governs our deliberations; it is 69, paragraph (1) and it says:

No witness—

And I repeat it:

No witness shall be summoned to attend before any committee of the House unless a certificate shall first have been filed with the chairman of such committee,—

This was read last week:

—by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important.

This certificate must be signed by a member. This has been discussed fully in the

Steering Committee, and we reached a decision. I really think that at present we have the steering committee with all the members. I would call your attention to the fact that this important matter should be discussed in camera as to the relevancy of having character witnesses.

**Mr. Landreville:** May I add my arguments at this point?

**The Joint Chairman Mr. Laflamme:** Just a minute.

**Senator Macdonald (Cape Breton):** Mr. Chairman, there is one minor point. I do not think you are correct, or that the steering committee is correct, in this business of character witnesses. We are considering the Rand Report. In that report reference is made by Mr. Rand to the character of Judge Landreville, and he wishes to bring here a witness who perhaps will offset that. You seem to be concerned that others will come in who would want to be character witnesses against Judge Landreville. I do not think that has any merit whatsoever, because a witness cannot come in to bolster the Rand Report. That is what we are considering.

**The Joint Chairman Mr. Laflamme:** Well, I am bringing that matter to your attention. We have thought over the decision very carefully, and I suggest again that we should discuss this question in camera, adjourn so far as the public is concerned for, say, 10 or 15 minutes, or until we have reached a conclusion as members. I think this would be fair because perhaps some of the members have not thought of the consequences of having character witnesses. We have to obey the rules.

**Mr. Fortier:** I think we should hear from Mr. Justice Landreville before he leaves, first, that this witness, Dr. Fisher, is a character witness. I think you have already answered the question.

**Mr. Landreville:** Yes.

**Mr. Fortier:** And, second, that—no, that is enough.

**Mr. Landreville:** May I just make my point to the Select Committee in review. The reference to you from Parliament is to examine this report in view of the facts, considerations and conclusions it contains. There are facts stated herein which describe me. I want to be quite clear as to what I am aiming at. I have made a thorough analysis of this report and I



will say here, and disclose my full case to you; in the light of that you judge whether you want to hear this witness. The first part is that, with the transcript, there are no facts to indicate either influence on the council, or municipal corruption, or any venal offence. There are no facts, but he said—and I refer you again to what I stated the other day at page 69:

To these considerations personal relations become significant.

The Commissioner says, the outside facts are not proven, but because of the character of these men—now, I raise in my mind a suspicion, so therefore he describes—it was a very basic fundamental *ratio decidendi* for having his suspicions, and that is my argument. I want to produce a character witness. I will abide by the decision of your Committee, Mr. Chairman, whatever—

**The Joint Chairman Senator Lang:** How many character witnesses do you intend to ask the Committee to hear?

**Mr. Landreville:** Let me assure you, Senator, that expediency has always been—if I may call him now, I may call Judge Cooper of Sudbury who has known me as a partner and in life all my life. I may call him. I may call possibly on the grounds of morality, which is an important—

**The Joint Chairman Senator Lang:** Who would you call for that purpose?

**Mr. Landreville:** A priest from Sudbury who has known me for many, many years. That is about the pith and substance of my character witnesses.

**Senator Cook:** Mr. Chairman, he may submit these names to be called.

**The Joint Chairman Mr. Laflamme:** Yes, but I think we are going a bit faster than we should.

**An hon. Member:** Let us decide on this.

**The Joint Chairman Mr. Laflamme:** Let us decide in camera on the principle of this, first.

**Senator Hnatyshyn:** Mr. Chairman, can we get around it this way. I understood this witness is not available next week. We do not want to hear evidence of witnesses piecemeal; one today and one the week after, something like that. If this witness is available the week after next week—

**Mr. Bell (Carleton):** We have got to come to grips with this.

**The Joint Chairman Senator Lang:** I wonder if we might move into camera now.

**Mr. Bell (Carleton):** It is unfair to Mr. Justice Landreville to keep this over weeks.

**Mr. Landreville:** May we be excused?

**The Joint Chairman Senator Lang:** Yes, Gentlemen, may we come to order.

—Whereupon the Committee resolved itself into an in-camera session.

—On resuming in public session.

• (10.45 a.m.)

**The Joint Chairman Senator Lang:** We have given consideration to the matter of hearing proposed character witnesses on your behalf and it has been the unanimous opinion of the Committee that such evidence would be irrelevant to our consideration, and their decision accordingly is that we will not be hearing evidence of that nature during the tenure of this Committee.

**Mr. Landreville:** Mr. Chairman, I just wish a very brief amplification. I of course submit to your ruling. It is then my understanding that I cannot bring witnesses to contradict the considerations which Mr. Rand refers to and as shown in the reference to this Committee by way of character as described in this report?

**The Joint Chairman Senator Lang:** That is correct.

**Mr. Landreville:** I may excuse the witness, Dr. John W. Fisher, then.

Gentlemen, the reference I was dealing with, the terms of reference to the Commissioner, are shown on the first pages of the report, and it is reflected as well in the heading of all the transcripts which reads:

Inquiry into the dealings of the Honourable Mr. Justice Léo A. Landreville with Northern Ontario Natural Gas Limited.

I want to make it quite clear that my counsel and myself proceeded into this inquiry to two words: determine what were the actual events of the acquisition of shares into that company in relation to the entire council and the events which immediately follow. There will be some consideration given at a later date, because Mr. Rand does make it an issue, as to what my acts were following February, 1957, when I acquired the shares.



There is an exhibit on file which will show the date of the disposition of, first of all, a large block of stock, around the 24th of February, 1957; then, also in March, and I give it as my evidence now, as I have given it at other times, my reason for so doing was simply because I felt insecure in some measure that that stock may not take a dip, and I sold some of that stock and placed it in other investments. It will be significant, and I think counsel, Mr. Fortier, may agree with me, that all of the witnesses who have testified were directed by Mr. Morrow, and the cross-examination was directed to the dealings in stock. Witnesses were not called as to character, and witnesses were not directed specifically, except in passing, on the question of my character or my integrity.

**Mr. Fortier:** Maybe an exception could be made of the aldermen, whose testimony you reviewed at length, most of which were not questioned, Mr. Justice Landreville, about your dealings with North Ontario, but rather about the way in which you presided at council meetings and things of that nature.

**Mr. Landreville:** That is true, my handling of council meetings, but none of these witnesses were asked, what do you think of his integrity, sincerity and the other questions. Is that correct?

**Mr. Fortier:** That is correct.

**Mr. Landreville:** Except for one witness; it was Judge Cooper, who did give a synopsis—I will explain later, under what circumstances—and it is significant and your Committee should know that Mr. Morrow on the opening of these hearings in various cities, said, for the benefit of the press and the public, and published, that whoever had any testimony to give into the dealings of Mr. Justice Landreville pertaining to stock, were welcome to come and give their evidence, if it was relevant. This was done in Sudbury as well. Am I correct in stating that?

**Mr. Fortier:** I do not think that appears in the transcript file, does it?

**Mr. Landreville:** Yes; I do not want to make an issue out of it.

**Mr. Fortier:** No, no, I am satisfied now.

**Mr. Landreville:** The point is, therefore, that Mr. Robinette and I proceeded in that fashion, and the inquiry, the report starts off

at page one with an historical background and at part II also an historical aspect of the developments and of the gas in the north and the part that the federal government played. In the first paragraph of page three, gentlemen, if you follow me, the financing of the project was assured by the purchase on February 27, 1957 of 90 million dollars of bonds of Trans-Canada by the Metropolitan Life Insurance Company, and that project then, at that time, in February 1957, became a surety. You may, if you see fit, conclude that was one of the features which gave an upsurge to the price of the stock.

Then we go on at the fourth line, second paragraph of page three:

It was early accepted that the distribution to customers should be a function separate from the main carriage of the gas—

So that is established and uncontradicted.

At page four is a description of Mr. Clark as an industrialist, and at page five the first step appears to have been taken in Sudbury in September 1954, by the City Solicitor. It is noted that at that time I was Chairman of Sudbury Hydro. I may tell you that I did make a statement as Chairman of the Sudbury Hydro that I felt that that should be a public utility, and that we should look in our city towards having gas as a utility. In November, it was the meeting in the office of the Attorney General in Toronto, and at that time it was stated that public ownership was out of the question.

**Mr. Bell (Carleton):** With respect, have we not been over all this, Mr. Justice Landreville. Are we adding anything to what has already been testified?

**Mr. Landreville:** Well, I do not want to labour the thing, but I fear forgetting things, Mr. Bell. I will endeavour not to make any repetitions. At page 6, line 4, there was one distributing agency, Mr. Rand so finds; that NONG be approved for that purpose. Then you have at page 7 the distribution of shares; in November, 1955, the shares were split, as you see, and in July 1956 a further division was made at the bottom of page 7 of five shares. Then, page 8 is again the history of the debentures and at page 9, at the top.

**The Joint Chairman Senator Lang:** Excuse me, Mr. Justice Landreville, what was the date of the stock split?

**Mr. Landreville:** According to this, July 1956, was the second one.

**The Joint Chairman Senator Lang:** When was the first one?

**Mr. Landreville:** At the bottom of page 7 it shows November, 1955.

**Mr. Fortier:** November 19.

**The Joint Chairman Senator Lang:** What was the date of the letter that went from NONG to Convesto regarding the allocation of shares.

**Mr. Fortier:** The 14th of November, 1956, back-dated, though, from the 22nd of January, 1957.

**Mr. Landreville:** To a date and the evidence is that that conversation took place in the fall of 1954 and they backdated it, but they put the date of November.

**Mr. Fortier:** They pinpointed it for November.

**The Joint Chairman Senator Lang:** No stocks were split around the date of November, 1956. There is no stock split around November.

**Mr. Landreville:** Then, at page 9, at the top, the Commissioner states:

There is no doubt that at Sudbury matters were held in abeyance from January 1955, until the spring of 1956.

**Mr. Fortier:** Would you say that was a fair statement, Mr. Justice Landreville?

**Mr. Landreville:** I would say that in so far as putting the matter before council and acting on it, it is fair, but there is correspondence in exhibits showing from North Bay to Sudbury, and Sudbury we wrote back and we said we will go with that company and things to that effect, in 1955.

**Mr. Fortier:** There is also your letter of December, 1955, which in effect says, let us wait and see.

**Mr. Landreville:** Yes; the policy was obviously—and I do not want to repeat—until the federal decides where they want to pass the line, we are premature.

**Mr. Fortier:** This is a fair statement.

**Mr. Landreville:** The matter was left should I say, vaguely, in abeyance, but there were sporadic discussions on the matter, but

we must remember that in March, 1955, there were these important meetings at Kirkland Lake.

**Mr. Fortier:** Where Sudbury merely sent observers.

**Mr. Landreville:** We sent the City Solicitor—I know I did—and he was under the instruction to just be there as an observer, and have I explained those reasons, because of International Nickel. At the bottom of page 9—it appears at the beginning of the last paragraph—that there was, only one lateral from North Bay would be authorized by the Fuel Board, because we are not on the main line. And at the bottom:

This was a feeble basis for delay; each was acting in fact independently, and there was no real competition for distribution in that section; the accomplishments of NONG in its investigations and the resources in technological and financial requirements to which it had access, were not attempted to be met by any other interests that had made themselves known by serious action.

I take difference with the Commissioner when he says:

This was a feeble basis for delay:

Obviously he is criticizing my political decision of the time, that I wanted to wait until INCO decided, and these are reproduced as reasons.

**Mr. Fortier:** Could one not say that this opinion of the Commissioner was fairly based on your statement before the Securities Commission in 1962, reproduced at page 10, Mr. Justice Landreville? I am quoting again from the Rand Report, because after stating

This was a feeble basis for delay; he ends the paragraph; and then Commissioner Rand refers to your evidence before the Securities Commission on that particular point, and he says, you swore before the Securities Commission, and I quote:

My best memory is that at no time was our contract hinging on Inco or Inco hinging on us. We were negotiating separately.

Could one not say that Commissioner Rand's statement—

This was a feeble basis for delay;

—was fairly based on your testimony before the Securities Commission which was subsequently reproduced.



• (11 a.m.)

**Mr. Landreville:** I do not know which way to take your comment there, except to answer this—we have dealt with that in the last days—it was definitely to us, to Sudbury, most important because of the valley gas.

**Mr. Fortier:** You made that very clear. I am just trying to assist the Committee members in their assessment of this sentence:

This was a feeble basis for delay—

You say you take issue with it, and I just ask the question.

**Mr. Landreville:** It was a real reason for the delay; that is why I say, it was a real reason.

At page 10, the second sentence of the second paragraph:

From the beginning NONG had demonstrated its capability for the work proposed, a fact early appreciated by Mayor Landreville.

“A fact early appreciated by Mayor Landreville.” I do not know where I disclosed in my evidence that I took it as a *fait accompli* right at the beginning. I took it that NONG would be distributing. I appreciated that fact in some measure. Then, in the middle of that paragraph:

Mayor Landreville gave the impression of holding out in order to learn first of International’s intentions—

I would rather have expected the words: “Mayor Landreville did hold out”; that is my evidence. I said, “wait and see.” Then the last phrase of that paragraph, starting on the right on page 10.

that reason for delay bears the appearance of being no more than an excuse for holding aloof and later, as a means of easing his course into the urgency in the spring of 1956.

Gentlemen, I am not going to pass any comments on that type of language, but if you look at the bottom of page 74 and compare the language of the Commissioner he says:

as previously detailed, there were a number of factors generating urgency;

And he lists those. When I come to that, I draw your attention particularly to this:

There was also the strong support of Mayor Landreville.

With that I will take issue in proper time. Therefore I leave the language there for your

own evaluation. Then he comments on my evidence before the Securities Commission and particularly the last sentence at page 10:

no other company but Northern Ontario Natural Gas had made advances to our municipality to have its franchise.

At page 11, again, he considers the general progress of Trans-Canada, and I draw your attention once more to the end of that long second paragraph:

A year later the huge investment in bonds by the Metropolitan Life Insurance Company removed financial obstacles for both Trans-Canada and NONG and from then on the general advance of both works became rapid.

By the spring of 1956, most of the franchises had been granted and the final orders of the Fuel Board made—

And then:

In early April the word was that NONG and International Nickel had reached agreement on a number of terms for a gas supply; if that had been one, any other legitimate reason for delay, except the terms of a franchise, had disappeared: yet it was only towards the end of April that a change became evident, a fact which the evidence of Hennessey, the City Engineer, and Kelly, the Solicitor, puts beyond doubt.

I am not going to give the reasons why the urgency came, because he referred to that himself at page 74, the federal pressure, the provincial pressure from Mr. Crozier.

At page 12, the last few words of the first paragraph, the Commissioner comments:

—he had called up the office of NONG and had given the information that his trip to Sudbury had been “successful”.

There is some evidence, and I have already given it, that I went with Mr. Farris to the International Nickel offices to find out if Inco had reached a point of an agreement with this company. I wanted to know that; and whether that was the reason why Mr. Farris sent that telegram to Toronto, I do not know.

**Mr. Fortier:** Was there not evidence from Mr. Parker that the date of that particular visit, which you made with Mr. Farris, was not at the end of April, but subsequently, which you contradicted from your diary.

**Mr. Landreville:** Yes, I have my diary, and the date that we visited Mr. Parker’s office.



Mr. Parker, Mr. Harcourt had a memo, the ledger showing the appointment. He was referring to another appointment that they have had with Mr. Farris and Mr. Tomlinson to discuss the contract.

**Mr. Fortier:** And he had no evidence in that diary of this particular visit.

**Mr. Landreville:** That is so.

**Mr. Bell (Carleton):** What telegram were you speaking of?

**Mr. Landreville:** Mr. Farris sent a telegram as he left Sudbury, or as he arrived at Vancouver.

**Mr. Fortier:** A telephone call.

**Mr. Landreville:** Was it?

**Mr. Fortier:** This is the evidence of Mr. Grey, remember, Mr. Grey, an employee of Northern Ontario, who said he received a phone call from Mr. Farris saying: "My trip to Sudbury has been successful".

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** A telephone call, and not a telegram.

**Mr. Landreville:** It was a telephone call. I am grateful for the corrections.

**Mr. Fortier:** We are all trying to get at the facts.

**Mr. Landreville:** Then:

According to his own evidence, on or shortly before May 3 Mayor Landreville had received a phone call from the Right Hon. C. D. Howe, Minister of Trade and Commerce, urging that action be taken on NONG's application for a franchise.

Mr. Rand, at a later date, seems to doubt that I ever did receive such a phone call. He does not expressly say so, but I think he does not give the weight of the importance of the correspondence exchanged and the telegram.

**Mr. Fortier:** Was not his reason for, as you say, doubting that this telephone call ever took place, the fact that you did not testify as to that telephone call until his inquiry. Prior to that you—

**Mr. Landreville:** Oh, no; no,

**The Joint Chairman Mr. Laflamme:** With respect to the doubt expressed by justice Rand regarding that telephone call I would refer hon. members to the evidence given by

Justice Landreville, which is exhibit 141 of the Rand's Commission, at page 143:

Q. These are reasonably significant. Do you recall sending such a wire and entering into such correspondence?

Answer by Mr. Justice Landreville:

Mr. Chairman, the only thing I can say, a few minutes ago and prior to you showing me this, I told you I had a vague memory of a telephone call from Mr. C. D. Howe, personally, with respect to this matter and this correspondence, which I had entirely forgotten about, seems to indicate, indeed, that I had that phone call from Mr. Howe.

**Mr. Landreville:** May I continue, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** I think that to appraise properly the Exhibit 141, you should know that I appeared there with a file with a couple of letters and my sales slip. Commissioner Bray had conducted an investigation up to that time and he had before him my entire file called "The Mayor's File" containing all papers. I wish it on record that until that time I had not gone back to the City Hall, nor taken one paper from the Mayor's File whatsoever and, therefore, Mr. Bray was sheeting out sort of the information to me and he produced the telegram; he produced the letter and finally produced a doodling, what I call a doodling note, which is an exhibit. Do you recall that exhibit, Mr. Fortier?

**Mr. Fortier:** You referred to it yesterday, or the day before.

**Mr. Landreville:** I just put it by my side so that the Joint Chairman may see it. There was a telegram sent on that day to Ralph K. Farris and Northern Ontario Bank:

Pleased to advise Board of Control has approved agreements subject—

This is not dated, but would appear to be the 3rd or 4th of May 1956. Then at the bottom of that memo it is written:

Craig. Trans Canada; Cabinet C. D. Howe, first and second to be held; Inco is to sign.

These are just words. They are in my own handwriting, taken from the Mayor's Files, Sudbury.

**Mr. Fortier:** This is the substance of your telegram to Mr. Howe, dated May 3.

**Mr. Landreville:** Yes; when that was shown to me it reminded me that Mr. C.D. Howe had telephoned and the question of "Cabinet" reminded me that there was a cabinet meeting to establish the importance of the credit of Trans Canada Pipe Line; he wanted that to be put through as it affected Trans Canada. That was the purport of this telephone message, and it is followed also by some telegram from me to Mr. Howe, which is an exhibit; and that is the point.

We will return to our report.

**Mr. McCleave:** I thought we had gone over all the events before. It appears to me to be retracing the ground again the second time. I wonder if it is for the purpose of arguing with specific points in the report, and if it is, I suggest that we get on with our questions and have our counsel question and then the Judge can make his argument later on. I fail to see the purpose of going over it again.

**The Joint Chairman Mr. Laflamme:** This was raised yesterday. I did make a statement regarding this, this morning again. Mr. Bell, raised the matter, but this is our witness. If you have any questions to ask him, I think it is up to the members to do so. I will recognize any member who wants to ask questions.

• (11.15 a.m.)

**Mr. Tolmie:** I was wondering, Mr. Chairman, if we were going through this entire report in this manner?

**The Joint Chairman Mr. Laflamme:** I take it for granted that all the members have already read the report and we are just wasting our time if we are going to read it again. Has the judge any comment to make—

**Mr. Landreville:** We are already at page 13.

**Mr. McCleave:** We were at page 13 a couple of days ago.

**Mr. Landreville:** The member who has just spoken, with due respect, just came in and I did make the point that I am not going to duplicate my evidence. I will make every effort to give that undertaking. Please stop me, if I do.

**The Joint Chairman Mr. Laflamme:** Just a simple question, Mr. Justice Landreville.

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** You have already read the Rand Report, I am sure

of that and Justice Rand gives a transcript of the evidence rendered in this report. When he refers to the questions asked and the answers given by you during the Rand Inquiry, if the same questions were asked you today in the same manner, would you give the same answers?

**Mr. Landreville:** You mean in the Rand inquiry?

**The Joint Chairman Mr. Laflamme:** The Rand inquiry and all that is printed in the Rand Report. When he refers to your testimony, if the same questions were asked of you, would you give the same answers?

**Mr. Landreville:** I want to say this, Mr. Chairman, that there are explanations to the apparent conflict which Mr. Rand opposes from one testimony to the other, which beg explanation.

**The Joint Chairman Mr. Laflamme:** I did not ask that. I simply asked if you would answer in the same way if the same questions were asked of you, because we can read your answers.

**Mr. Landreville:** In October 1962, I testified. Place me back in October 2, 1962 and in the same circumstances and I will answer in the same way.

**The Joint Chairman Mr. Laflamme:** Thank you.

**Mr. Landreville:** I will continue to answer, but fresh information came to me, new evidence came to me, of documents and others, and therefore there were amendments and changes. I do not know whether at page 13—there is some reference in the middle of that page:

Q. I do not think you need to read it. Some pressure was brought to bear on you from higher up.

**Mr. Fortier:** Further down there is this answer which is underlined by Commissioner Rand:

So he wrote, I have a copy of his letter here.

It is a fact that you have no such letter? You received no such letter from Mr. Howe.

**Mr. Landreville:**

Q. So Mr. Howe was concerned that the line should be an all-Canadian line, and in order to carry that out was concerned that they should have distribution



throughout Northern Ontario, is that it, sir?

A. Exactly, So he wrote, I have a copy of his letter here.

So he wrote, Mr. Howe, yes. No, it was a telegram. In short the correction should be made there. Mr. Howe sent me a telegram not a letter.

The Commissioner says at the bottom of page 13 that "events were crowding each other"—"in Ontario between April 23 and 27".

**Mr. Bell (Carleton):** You say he sent you a telegram but was not that telegram subsequent to your telegram to him?

**Mr. Fortier:** It was a letter. The chain of events is this. There was a telegram from you on May 3 to the hon. C. D. Howe—

**Mr. Landreville:** Right.

**Mr. Fortier:** —reproduced on page 15, and then a letter from Mr. Howe on May 4 to you, reproduced on page 16, but the implication of your answer, the inference that I thought you seemed to convey by our reply to the Securities Commission hearing, on page 13 of the Rand Report, was that prior to your sending a telegram to Mr. Howe on May 3 that you had received a letter from Mr. Howe. And, as you have just said, that is not so. You had not received a letter from Mr. Howe.

**Mr. Bell (Carleton):** You said you had received a telegram and I am drawing attention to the answer, "and I replied to him that we had had there on the 4th, first and second reading—

**Mr. Landreville:** That is the telegram.

**Mr. Bell (Carleton):** But the telegram is not a reply to a letter, or to a telegram. It is not a reply at all.

**Senator Cook:** Was it a reply to a telephone conversation?

**Mr. Landreville:** "I replied"—that is the answer—"I replied to him that we had had there on the 4th, first and second reading of that by-law"—yes, I did reply. That is my telegram of May 3.

**Mr. Bell (Carleton):** In reply to what?

**Mr. Landreville:** To Mr. Howe's telephone call. And above here, "so he wrote, I have a

copy of his letter here." He wrote.—It is the letter of May 4th, and that is an exhibit. Mr. Howe did write. Need I go into the contents of the letter from Mr. Howe?

**An hon. Member:** No.

**Mr. Landreville:** Then—

**The Joint Chairman Mr. Laflamme:** Mr. Justice, since we are dealing with that telegram, you have sent also a copy of this telegram you sent it to Mr. Howe; you did send it to Mr. Farris.

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** A copy.

**Mr. Landreville:** Yes, I sent it to Mr. Farris and Mr. Gray in Toronto, May 3, and I said on the copy "for your information".

**The Joint Chairman Mr. Laflamme:** You received an answer from that copy of the telegram from Mr. Farris?

**Mr. Landreville:** Yes. If you want me to go into that aspect, I would say, "yes". Do you want me to read what Mr. Farris answered—words to the effect that he was grateful for—

**Mr. Bell (Carleton):** No, we will take that as read. It is page 16.

**Mr. Fortier:** You were coming to that.

**Mr. Landreville:** Oh, you are just slightly ahead of me there. It is notable on page 14 that in the middle of the first paragraph:

For the purposes here the significant item is the announcement that Trans-Canada was given until May 1, 1956, to demonstrate to the satisfaction of the Governments of Canada and Ontario that it had arranged for finances and commitments—

And the second paragraph:

That circumstance adds to the factors generating the pressure between April 20 and May 1.—In the middle of that paragraph he says: Other than the evidence quoted, we have no direct proof to verify or negative the fact of such a phone call.

I have alluded to this doodling note and that is the only corroborative evidence I have of that telephone call from Mr. Howe. I have given you how it came into this picture, you see, from the facts.



Gentlemen, at page 15 are documents which speak for themselves—a reproduction. At page 16—

**Mr. Fortier:** It may be—

**Mr. Landreville:** Yes.

**Mr. Fortier:** —that members of this Committee would like to hear our comments with respect to those words that are underlined in your letter to Mr. Farris.

**Mr. Landreville:** Oh, well, of course.

**The Joint Chairman Mr. Laflamme:** Would you read them, Mr. Fortier, please?

**Mr. Fortier:** Well, I think—

**Mr. Landreville:** I may read the entire letter of May 3rd:

Dear Ralph:

I give you herewith copy of telegram I have sent to Mr. Howe this morning prior to the meeting re Trans-Canada Pipe Lines. *I may presume this move on our part will not displease you.*

I was speaking to Mr. Gray this morning and informed him of this.

My comment on that is simply that is just what it means. I cannot amplify it. I knew of his anxiety to get the franchise in Sudbury.

**Mr. Fortier:** He had been to Sudbury just a few days earlier, as a matter of fact.

**Mr. Landreville:** Yes, he had been, and that was at the time of our visit to International Nickel up there.

**Mr. Fortier:** And it was at that time,—also a fact which you did not point out two days ago—that you had him for dinner at your house for the first time, I believe.

**Mr. Landreville:** I believe so.

Then at page 16 you have a reproduction of the May 4 letter from Mr. Howe. I just draw your attention to the middle of the second paragraph of that letter.

I trust that there will be no delay in signing your contract, after final approval is obtained.

The next letter is May 8, and there the Commissioner has seen fit to underline:

—wire attached thereto, *also your friendly note.*

I say quite frankly here I do not remember what I did put in this friendly note.

**Mr. Fortier:** It is reproduced on page 73 of the Rand Report, Mr. Justice Landreville.

**Mr. Landreville:** Ah, yes. Is that the—no, just a moment. Yes, that is so.

**Mr. Fortier:** Would you care to comment on it? In other words, your letter to Mr. Farris, dated May 3, was accompanied by a copy of your telegram to Mr. Howe? One?

**Mr. Landreville:** Yes.

**Mr. Fortier:** And this note? Handwritten, correct?

**Mr. Landreville:** Yes, and this handwritten note, and I will comment on that, the underlining, when I get to that.

**Mr. Fortier:** I thought, since you are progressing chronologically, it may have been of interest at this particular point.

**Mr. Landreville:** Very well, I will simply say and that has been my evidence, Mr. Farris had been to my home to dinner and Mr. Rand has underlined:

*I shall purposely sabotage this contract to compel a return visit.*

Well, do not criticize me for a false sense of humour but I liked the man and I said this in a jocular way. Secondly:

*Further, you and I have a few important things to discuss—re Co.*

The franchise was at the drafting stage and it was important that this matter be gone into. I give under my oath that at that time there was no question that I was going to ask him for any special favour from his company or that I would grant him any special favours.

**Mr. Fortier:** You refer to the terms of the franchise, Mr. Justice Landreville, but did you not say on Tuesday that as far as the terms of the franchise were concerned this was a matter for Mr. Kelly and Mr. Farris—that you did not want to bother—

**Mr. Landreville:** I did, that is so, but I did have some part in it. At times, whenever the City Solicitor and Mr. Farris and the engineer would disagree, I would come in and discuss it with them. Mr. Kelly's evidence is clear on that point, however, that I did not interfere or, should I say, pressure him.

May I continue at page 17, gentlemen. The Commissioner has underlined:

*As you say, we have important things to discuss.*

I still do not know—that refers to the other things—the terms of the franchise and the passing through of this matter. I tell you—

**Mr. Fortier:** That is—

**Mr. Landreville:** Yes. It does. Mr. Rand has underlined this and I make no excuses. Those are my words but I can only assure you that I had nothing in mind, as I say, that I would have had some improper intentions.

**The Joint Chairman Senator Lang:** Gentlemen, there is another Committee that has been waiting to occupy this room at eleven o'clock and I think that under these circumstances it might be an appropriate time for us to adjourn and re-assemble here at 3.30 this afternoon and again at 8.00 o'clock this evening.

• (11.30 a.m.)

**Mr. McQuaid:** Are we supposed to sit tomorrow? Some of us may have other plans.

**The Joint Chairman Senator Lang:** I am glad you asked that question. I think we are all probably in the same boat that way, Mr. McQuaid. I think we will probably have to decide on that as matters develop today.

**The Joint Chairman Mr. Laflamme:** Well, we will decide it and let you know this afternoon at 3.30 o'clock.

**Mr. McQuaid:** Three thirty? Here?

**The Joint Chairman Mr. Laflamme:** Three thirty in this same room.

The meeting is adjourned.

#### AFTERNOON SITTING

• (3.35 p.m.)

**The Joint Chairman Mr. Laflamme:** Gentlemen, I see a quorum. Mr. Justice Landreville, if you would resume.

**Mr. Landreville:** Some members have expressed their anxiety for brevity and I shall, therefore, be skipping over pages. On page 17 there is only—

**Mr. Bell (Carleton):** Not for brevity in any sense at all; for lack of repetition.

**Mr. Landreville:** Very well. I shall conform to that. On page 17, there is only one note I wish to draw to your attention. It is the fifth

line from the bottom. It may not in itself be significant. The words:

By May 2, the Mayor was riding high in support.

I just add flavour to the contention.

Page 18, in the middle of the page:

It seems to have been more or less understood that the by-law would be brought before the Council for third reading on June 19.

The comment I wish to make on that page is that Mr. Kelly's letter came in at the last minute and stopped the passing of the by-law.

At the bottom of the page:

At the City's request, the Chairman of the Fuel Board—

I comment that in my evidence, as I recollect it, I was the one instrumental in inviting Mr. Crozier. On page 19, there is a recital of the meeting of July 3, attended by Mr. Crozier, and there is an important item omitted by the commission, to be inserted, unless it is inserted elsewhere, is the meeting of July 6, between Mr. Farris, Mr. Hennessey the City Engineer, and Mr. Kelly. They had come to my office in the morning; that is in the evidence. I sent them out to iron out their franchise and they had lunch together, I think Mr. Kelly said, and finished it in the afternoon, came to my office and said: Everything is fine. Am I correct in that?

**Mr. Fortier:** Quite correct.

**Mr. Landreville:** I mean, I am loose in the expression, but that is the purport of it. And that is an important item, because then, therefore, at that time I was told that the franchise was a *fait accompli* except for the passing. Next there is little in there, except that in the middle of the page, you see, on July 17, and immediately below that: "with the mayor"—I had better read the whole sentence.

**Mr. Fortier:** There is a mistake before that. It should read July 10, rather than June 10. It is either a typing mistake, or—

**Mr. Landreville:** Yes, under date of July 10.

There is another item that should have been inserted there: that Mr. Kelly wrote a letter to the Fuel Board informing them that the franchise agreement, terms, all had been agreed to, and the Fuel Board gave its order on July 16, that is, the day before our passing, and that item is not set



here at this stage in proper sequence. I read:

On July 17, the third reading of the by-law was passed by a vote of 7 to 3, with the Mayor, as was the general practice, not voting.

I take slight objection to that only in this sense that he could have said, as my general practice, because the previous mayor always voted; not that it matters much. It is, as Mr. Rand would put it, the accumulation of these things that counts. Page 20 you have already read; we have discussed that and page 21 my letter of acknowledgment. I can only add there, I do not know why there would be 10 days delay; normally I would answer sooner. I just underline the fact in the middle of page 22, after the questioning.

Like statements were made at the other hearings.

And these statements that appear above are corroborated and supported by correspondence as well. On page 23, I just draw your attention to the top:

If now change of status had occurred to Mayor Landreville, NONG, in all probability would have gone through with the transfer of shares in the same manner as actually took place; but that was not what the language of the letter contemplated, which was a request to the Company for an allotment.

I am not too versed in these things, except to say this, as to the first part of the statement there is no contradiction. I would have affiliated myself with that company if we could have agreed on terms. As to the second part, I do not know exactly what the Commissioner means, which was a request to the company for an allotment. There is nothing in the evidence dealing with that. Do you recall, Mr. Fortier?

**Mr. Fortier:** Would that not be a reference, Justice Landreville, to your testimony which was to the effect that on July 17, in discussing it with Mr. Farris, you asked him for an allotment of shares.

**Mr. Landreville:** That may be the expression.

—but that delivery of shares was not in any degree conditioned on any obligation on his part to give services,—

True, the letter must be read literally. In the middle of page 23, just a passing error, he said that on August 26, Mr. Justice Chevrier died.

He had been appointed in 1951. Mr. Justice Chevrier had been appointed a long time before that.

At that time Mayor Landreville's name had been prominently mentioned as a possible appointee—

• (3.45 p.m.)

My recollection of the event is that it was Mr. Justice Genest who died and my name was mentioned at that time, then followed by Chevrier and I sort of—Mr. Chevrier was on the court of appeal. I sort of replaced Mr. Chevrier on the circuit court, and Mr. Justice LeBel who was on circuit took the place of Mr. Justice Chevrier on the court of appeal. There is nothing else on that page that I can comment on except, of course, if anyone does wish me to.

Page 24, the end of that second paragraph, and I must repeat here that the Commissioner sees fit to underline those things which he gives importance to. He underlines the words,

—outwardly aloof—

And:

*I am keeping your letter of July 20th carefully in my file.*

Now "outwardly aloof", I can only say obviously I was not going to start promoting this company and go actively working for the company or do anything. I would be interested in watching their rise and their progress; that is the meaning that I put to that letter.

**The Joint Chairman Mr. Laflamme:** What do you mean by "remain active"? You say:

—outwardly aloof, will, nevertheless, remain active.

**Mr. Landreville:** Yes, I will have an active interest in watching their progress. In short I will be awake to their progress, and nothing more. It does not mean, the word "active" there, which is not underlined, by the way, that I was going to go—to do any act to show outwardly something special for that company.

**Mr. Tolmie:** I am sorry to interrupt Mr. Justice Landreville, but on Page 92, Justice Rand put a very harsh interpretation upon



that letter and in view of that I was wondering if you could perhaps elaborate on your interpretation and comment upon that, or whether this is the time to do it or not.

**Mr. Landreville:** Yes. I will gladly do so.

**Mr. McCleave:** What page?

**Mr. Tolmie:** Page 92. He makes a very damaging interpretation of this particular letter and perhaps some clarification as to your views on his interpretation and your further amplification on what you have already said might be in order.

**Mr. Fortier:** Those particular comments start at the bottom of page 91, the last two lines.

**Mr. Landreville:** Yes. Well I will deal with page 91, but dealing first with the hon. member's question. At page 92 at the bottom it reads,

"Outwardly aloof, my interest in your company will remain": "your company" might easily become engaged in disputes; already there have been two gas explosions in Sudbury, one causing serious injury to a person and damage to a home; there may be contention over rates and other features of service which might reach the courts; possibilities of this sort abound.

Now, let us take this piecemeal. He states that first of all,

—"Your company" might easily become engaged in disputes;—

Those are the words of Mr. Rand. I suppose he would allude to this, that on the bench, in my functions, in Northern Ontario Natural Gas were to have a case heard by me I would not have the propriety to disqualify myself, or put it conversely, there never has been in fact a case directly or indirectly that has appeared in 11 years in which NONG Company was involved, and I have disqualified myself on several cases in the past for reasons of knowing something of the parties and that is currently done.

**Senator Hnatyshyn:** Mr. Chairman, to you, is it not a common practice on the bench that the judge even disqualifies himself from hearing a case if it is his former client, or he had something to do with it?

**Senator Fournier (de Lanaudière):** "*C'est la récusation*". I do not know how to say it.

**Mr. Fortier:** Disqualifies himself?

**Senator Hnatyshyn:** Yes.

**Senator Fournier (de Lanaudière):** "*Se récuser*".

**Senator Hnatyshyn:** It is a simple matter.

**Senator Fournier (de Lanaudière):** Oh yes: when a judge sees a personal friend of his, or a related person to him he says, "well, I disqualify myself".

**Mr. Landreville:** And the next item is: "already there have been two gas explosions in Sudbury". Well Mr. Rand is better informed than I am. It was not in the evidence. Is that right Mr. Fortier?

**Mr. Fortier:** I noted that.

**Mr. Landreville:** Not a word mentioned in the evidence. I have heard of a gas explosion taking place in Sudbury. In so far as Sudbury, I think it deserves, in view of that question brought up, I was naturally anxious after my appointment to sit in Sudbury. I did go some few months after my appointment. I found it the most embarrassing situation having to disqualify my own brother-in-law from sitting on the jury, and that sort of thing, with the net result that I never returned to Sudbury for about eight years, and I refused to sit in Sudbury court because I had too many affiliations there and this allusion that I might be able to help that company is a far reaching conclusion.

Then, I could affect—"there may be contention over rates". Well, certainly the Commissioner, if he has heard the evidence of Mr. Crozier and all other evidence, he knows that the rates are fixed by the Ontario Fuel Board and by public hearing and therefore, I could not certainly affect any of the rates. Does that answer your question, sir?

**Mr. Tolmie:** Yes.

**Mr. Fortier:** I would have thought, My Lord, that—

**Mr. Landreville:** Call me Mr. Landreville.

**Mr. Fortier:** Mr. Justice Landreville—that in this context you—the Committee members would not have been impressed so much by the examples used by Commissioner Rand,

the gas explosions, injury, rates and so on, but more so by his statements of principles and I refer to one of them at the end of the first paragraph on page 92,

The one absolute condition required of a Judge is a free mind, untrammelled in judicial action by foreign or irrelevant interests, relations or matters which might color or distort judgment.

And then at the end of the following paragraph, at the top of page 93,

For one whose relations toward others are easily charged with emotion and are influenced inordinately by acts of financial liberality, as seems to be the case here, the expressions can be taken only as demonstrating disqualification for the function: if its influence could be present in one case it could equally be so in others.

In view of that letter and your statements "That my interest in your Company, outwardly aloof, will, nevertheless, remain active". Would you care to comment for the benefit of the members of the Committee on these statements of principle enunciated by Commissioner Rand?

**Mr. Landreville:** Well, you are asking my principles there and this—we are going into a subjective—I am aware of the existence of the Judge's Act. First of all, a judge must not be a director of any company. I know nowhere, as a matter of principle, that a judge must not have any investments.

**Mr. Fortier:** I think you have misunderstood my question, Mr. Justice Landreville—

**Mr. Landreville:** Is that not the point here?

**Mr. Fortier:** No. The point that I am trying to make is not of the fact that you had an investment in northern Ontario but rather the fact that you wrote, in September after accepting to go on the bench, to Mr. Farris and told him, "my interest, outwardly aloof in your Company, will, nevertheless, remain active", not the fact that you were a shareholder of ABC Company or—

**Mr. Landreville:** I have given my explanation in that respect. These are words; criticize my language, if you wish, but the thought is this that I am going to follow the progress of this company and that is going to be the extent of my activity.

**Senator Hnatyshyn:** That might be a shareholder—

**Mr. Landreville:** It may be a shareholder and I do think, and I may be wrong under this principle, but I believe that a judge is entitled to invest his money in shares of various companies as long as he is not going to start to adjudicate on that very company.

**Mr. Fortier:** But on September 19, 1956, you had not invested money?

**Mr. Landreville:** No.

**Mr. Fortier:** You were not a shareholder?

**Mr. Landreville:** No.

**Mr. Fortier:** I am just merely pointing this out for the members of the Committee.

**Senator Macdonald (Cape Breton):** I wonder if I could interject here a moment. I wonder if I could ask counsel a question—on page 93. In all that evidence that has been gone over is there anything to substantiate this statement of Mr. Rand?

For one whose relations toward others are easily charged with emotion and are influenced inordinately by acts of financial liberality, as seems to be the case here,—

**Mr. Fortier:** Well, I think His Lordship would recognize that his relations towards others are indeed charged with emotion. Would you not, Mr. Justice Landreville?

**Mr. Landreville:** I think that—you are not going to ask me a psychiatric question, are you?

**Mr. Fortier:** No. I think that members of the Committee themselves have been able to note that. I mean, we are not talking about illegitimate display of emotions. We are just speaking of display of emotion, period.

**Senator Hnatyshyn:** It has been suggested as being an evil thing for the judge to have.

**Mr. Fortier:** Oh, I must say, Senator, if you read this as meaning that this is evil, I did not.

**Senator Macdonald (Cape Breton):** It is the latter part that I was more interested in:

—are influenced inordinately by acts of financial liberality—

**Mr. Fortier:** I do not know what Commissioner Rand had in mind when he wrote that.

**Mr. Landreville:** Do you wish me to answer questions, Mr. Fortier, or will we leave it there?



**Mr. Fortier:** As you appreciate, my questions are just to assist the members of the Committee.

**Mr. Landreville:** Let me tell you that after all in my office I have—this is the answer, the scales of justice on one balance, a heart, on the other a brain, evenly balanced, and that is lex, and the judge, and a judge must judge not only by reasons but also by sentiment and emotion and feeling for humanity. That is the principle. That is my answer to you. That is why I am that way. We were at page 24.

May I continue, gentlemen?

**The Joint Chairman Senator Lang:** On that letter, Mr. Landreville,

I am keeping your letter of July 20th carefully in my file.

Why would you say "carefully"? You could say "I am keeping your letter in my file". If you keep it carefully or uncarefully in the file, is there any significance in that word?

**Mr. Landreville:** I wanted to stress to him that I valued—I placed some value on this letter—in short I wanted to not forget that he had sent this letter to me and that I valued it as such. Now, let us remember that the beginning of that letter—I do not wish to avoid your question in any way, but I just say the beginning of that letter says:

On the early morning of Tuesday following our meeting in North Bay—

I met according to my date book it was Monday, September 10, 1956, that I was in North Bay Chamber of Commerce. That is when we had that conversation and at that time there was some discussion of NONG. They were all enthusiastic, and I spoke to Mr. Farris and that is in the evidence, and that is why I again sort of confirmed what I had told him in North Bay that I was considering taking these shares. Am I through with this point? Thank you.

• (4 p.m.)

Then at the bottom of page 24, there is nothing that I may comment on except the language which he places upon it that the possible elimination of future services. At top of page 25, I draw your attention to the second line:

—have been considered to be of use: to give contractual appearance to a non-contractual acquisition.

Gentlemen, I can only say, and I have related this time and again, I received the

letter and there was no hindthought to it that we were conniving to give a contractual appearance to a non-contractual matter. I think I have made that quite clear; I did not consider myself bound either, but I considered the company bound in that respect.

**The Joint Chairman Mr. Laflamme:** You did say that you had given your word and you would definitely buy then.

**Mr. Landreville:** Yes, I did.

**The Joint Chairman Mr. Laflamme:** Even if the words of the letter in themselves could not be a kind of a firm commitment, you did testify that you would consider, and you did consider it as a firm commitment.

**Mr. Landreville:** Yes, sir.

**The Joint Chairman Mr. Laflamme:** Because you testified that you had given your word.

**Mr. Landreville:** Yes, sir. There is in the evidence also the fact that I affirmed it at that time, and then I say that at that time I was financially able to meet the purchase of those shares. Then, unless there are some questions on the rest of the page, I do not think I need to underline much of it.

**Mr. Fortier:** Are you going to come back to the handwritten memo of October 8?

**Mr. Landreville:** Oh, where is it?

**Mr. Fortier:** In the middle of page 25.

**Mr. Landreville:** I beg excuse. Yes, I may deal with that presently. I quoted this memo yesterday, I believe; I referred to it, it is attached to the letter.

**Mr. Fortier:** The question which I would like to ask you, Mr. Justice Landreville, on behalf of the members is, how on October 8, 1956—I realize this question has been asked of you before a number of times—you would have known of the existence of Continental when Farris and McGraw testified that it was only on the 14th of November, 1956, that they discussed among themselves for the first time Continental's role as a broker for NONG.

**Mr. Landreville:** Yes; I am glad you asked that, because right in the evidence, and that is where it is, the evidence of McGraw, I located it, McGraw said that it was in the fall. Then in the other part of the evidence it was either in October or November. In any event



one sure thing is that they wrote the letter in January. Is that correct. They dated it back to November.

**Mr. Fortier:** The two of them, applying their minds back to when they would have discussed it for the first time, elected November 14.

**Mr. Landreville:** Yes, that is true.

**Mr. Fortier:** They were the parties to this conversation; the only two parties to this meeting.

**Mr. Landreville:** How it is? You know the evidence that Mr. Farris and Mr. McGraw had been friends for thirty years. Mr. Farris indicated that he was to deal with Continental, and that was my information in October from Farr's over the telephone. The aim of the telephone call, as indicated, was to offer some congratulations. These men were relying on memory and I am relying on memory with respect to that except one sure thing: if I made a note, I did not forge it—

**Senator Hnatyshyn:** On October 8?

**Mr. Landreville:** Yes. I said in about that date, I am not sure whether it was the 8th or the 9th, but I am pretty sure; normally I do not put another date a week before. It may be around that time. It is certainly not in December, it is certainly not in January that I made that note. Any questions?

**Mr. Fortier:** No, I am reading from McGraw's evidence, page 909: a question from Mr. Morrow:

Q. That is fine. So we are talking about this date on or about the 14th November, 1956, when he, for the first time, if I understand you, he indicated to you he mentioned NONG? Is that right?

A. No, it's later than that, sir.

Q. Are we talking about the fourteen thousand shares you requested from Northern Ontario Natural Gas?

A. No, I thought you—

Q. Well are there two instances in the fall of 1956?

A. No.

Q. Let us start over. In the fall of 1956 and I think we have established it was around the 14th of November, 1956, you had a discussion with Mr. Farris and he indicated he wanted you to request some shares? Is that right?

A. That is correct, sir.

Q. And that is the first request you had?

A. Yes.

**Mr. Landreville:** That is true.

**Mr. Hnatyshyn:** Mr. Chairman, is there anything in the evidence where Farris contradicts that he might have mentioned the word Continental before?

**Mr. Fortier:** No, sir.

**Mr. Landreville:** The point is that I made a memo and I do not know what went on between Mr. McGraw and Mr. Farris. I only know, and if given time I will undertake to show that in one piece of their evidence McGraw says it was in the fall of 1956.

**Mr. Fortier:** That is correct, but there he pinpointed it to the 14th of November.

**Mr. Landreville:** Then they came back and wrote a letter in January, put their heads together and said, it was on November 14. It is not for me to comment on how they arrived at that. Does this cover this point to your satisfaction?

**Mr. Fortier:** If the members of the committee are satisfied. I am just trying to bring these points out, to enlighten them in reaching a decision.

**Mr. Landreville:** I am not asking obviously, if I pass that comment, for a conclusive vote, but invite other questions if need be.

**Mr. Fortier:** What did Mr. Farris say to you at that time when he called.

**Mr. Landreville:** He said, my congratulations—general words to that effect—it is awfully nice and it is too bad you are not coming. I remember he said, as a matter of fact, you are not coming with our company, but I can understand that you like law. That would be the type of conversation and when he mentioned something about the company, I said, "well, by the way, what about those shares that you spoke of, does it change anything does it?" He said, "no". I said, "look, I will be in a position, because I am liquidating some assets, as I am moving out of Sudbury, to buy some of that stock, and keep it for me." He said, "Well Continental is going to be the broker." I said, "tell them to hang on".

Sir, I can just paraphrase; you are asking me now, in 1966, to be exact, of a conversation in 1956; I am doing my best.

**Mr. Fortier:** Where was Farris calling from?

**Mr. Landreville:** I am under the impression he was calling from Vancouver.

**Mr. Fortier:** Are the members of the committee to understand that you discussed your possible elevation to the bench with him on September 10? You wrote him of your decision on September 19?

**Mr. Landreville:** Yes.

**Mr. Fortier:** He replied, offering written congratulations on October 1, and he wrote you on October 8 to congratulate you. Is that correct?

**Mr. Landreville:** No, he did not write; he telephoned.

**Mr. Fortier:** And he telephoned after having written to congratulate you on October 1. I just want to follow the sequence of events: your letter of September 19, advising him of your decision.

**Mr. Landreville:** We had this meeting in North Bay.

**Mr. Fortier:** On the 10th.

**Mr. Landreville:** At the banquet, it happened, yes, and that was discussed; the question, the choice I was put to.

**Mr. Fortier:** And then your letter advising him of your decision to accept the appointment on the 19th; and then his reply of congratulations dated October 1, where there is no reference to the shares.

**Mr. Landreville:** No.

**Mr. Fortier:** And then a further message of congratulations by way of the telephone.

**Mr. Landreville:** Yes.

**Mr. Fortier:** On the 8th.

**Mr. Landreville:** Yes.

**Mr. Fortier:** So there were two distinct offers of congratulations by Mr. Farris: One by way of letter, and one by way of a telephone call.

**Mr. Landreville:** I believe there was a reason that he called me, but I forget, except that there was a swearing in ceremony coming up. That was published; according to my diary, this was the 10th, and it is just about that time that that phone call came.

**Mr. Fortier:** Is it likely that Mr. Farris would have written you congratulations and phoned you congratulations; that is the point that I—

**Mr. Landreville:** Oh, the duplication, you mean? Well, likely, I do not know. I know it was done, that is all I can say.

**The Joint Chairman Mr. Laflamme:** With regard to the name Continental, do you exactly remember when you first heard about the Continental Company?

**Mr. Landreville:** Yes: you ask me today, what I know today. I know today that I first heard of that name from Farris in either September or October, 1956. In the Ontario Securities Commission I did say there, and that appears to be in conflict, and I was not sure; if you look at the language of my letter, I said the order was given to Farris or it went to Continental and that is wrong.

**The Joint Chairman Mr. Laflamme:** And when were you then wrong; when you testified in 1962, before the Ontario Securities Commission?

**Mr. Landreville:** I was wrong in 1962 because I said at that time that the order went through Continental, either by letter or through Farris, in 1962; on that my testimony is quite clear.

**The Joint Chairman Mr. Laflamme:** It is clear, but it does not say the same thing that you are testifying now.

**Mr. Landreville:** All right. Kindly quote it to me? Are you referring to line 23. Sir?

**The Joint Chairman Mr. Laflamme:** Page 81. I think for the benefit of the members you should perhaps read the whole page.

**Mr. Landreville:** Very well.

Q. And you have your handwritten note of October 8, 1956 indicating either a personal meeting or a telephone conversation with Mr. Farris?

A. Yes.

Q. Asking you if you still wanted the shares and you saying that you did and, in effect, if he wanted them picked up you would see that a good block of them was paid for within a couple of months. Now, the name "Continental" appears on this slip of paper for the first time but you did say the name "Continental" was



mentioned in late June or the beginning of July?

A. Yes.

Q. I am afraid I still don't—perhaps I am particularly dense having a bad cold—but I still don't understand why the subscription should be through Continental when the resolution, according to the letter, is in favour of yourself?

A. Well—

Q. I just don't understand it.

A. That is not for me to explain; I cannot explain to your satisfaction except to say the name "Continental" was mentioned as the brokers and the option came to me from Northern Ontario Natural Gas, that is correct. Whether the stock was all in that office—

Q. That is what is puzzling me: Continental had no stock at this point, none whatsoever, not a share.

A. As of October—

Q. All right, it will have to speak for itself.

• (4.15 p.m.)

May I locate in the evidence what I have been referring to, sir?

**Mr. Fortier:** Yes.

**Mr. Landreville:** Then I may explain the circumstances of this leaning in 1962. Mr. Chairman, could I just have five minutes to locate that in the evidence. Could you grant five minutes—

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** —to rest my voice. I want to see what is in here.

After recess.

• (4.30 p.m.)

**The Joint Chairman Senator Lang:** Gentlemen, I see a quorum. Continue please, Mr. Justice Landreville.

**Mr. Landreville:** Sir, I just wish to draw the attention of the Committee to the transcript of October, 1962, when this matter first was broached by the Ontario Securities Commission. At the time I may say I that received a phone call asking if I would come and give evidence and I said yes. They served me with a subpoena and I showed up with a counsel, and at the last minute I telephoned

Sudbury to try to get some information as to the minute book and other documents. I am referring again to the evidence pertaining to the memo attached to the letter.

At page 5, the question was:

Q. So you placed and order through

Mr. Farris in the early part of July 1956?

And that obviously refers to my conversation with Mr. Farris of July.

A. I say through Mr. Farris or by a letter written to Continental because I then found out that Continental Investment Corporation was the firm who was handling the shares of the stock of that company—

The stock of the then company—

and Mr. Farris so informed me that I could go there and inquire. However, I knew, or at least, I suspected that I may not be able to acquire shares unless Mr. Farris told the investment company who I was—

**Mr. Fortier:** This was in July, 1956?

**Mr. Landreville:** Yes, this has reference to July.

**Mr. Fortier:** Do you maintain that today?

**Mr. Landreville:** Yes. I say this. We will come to that part because Mr. Rand says such a letter was never written to Continental. He proposes that as a conclusive fact but when I gave my evidence I said, "I say through Mr. Farris or by a letter written to Continental".

When I gave my evidence in 1962, I repeat, and I will give my reasons for it. They are human reasons. I thought that Continental's name had come to me in July of 1956, and I readily admit that that is not so, because as of that time Continental was not then dealing in stock with NONG.

**Mr. Fortier:** Was it in October, sir?

**Mr. Landreville:** To me, I do not know what deals between McGraw and Continental and Farris went on in October. I know that I got a phone call from Mr. Farris mentioning Continental. Now, I also refer you to page 76—

**Mr. Fortier:** Seventy-six?

**Mr. Landreville:** Page 76, yes, and this—I am quite candid about it. I am not reading this in my favour; it is against me. It was not long after I made the request to Mr. Farris, so



I wrote in to Continental. You may have a letter from Continental saying I have placed my order.

**Q.** Let us touch on that point: Why would you write to Continental when the option was granted by the company; why would you not write to the company as most of the subscribers did, in fact, all of them did?

**A.** Because Mr. Farris told me that Continental had the stock.

**Q.** Yes, but your option was from Northern Ontario Natural Gas?

Gentlemen, I point this out and the Chairman was right in underlining that my note of October—the name Continental did not come to me in July, as I stated. I confused it with October, and my memo of October says. It may be argued, Mr. Chairman, that that memo Mr. Chairman, is may be not true.

**The Joint Chairman Mr. Laflamme:** Yes, but why did you insist that you did write a letter to Continental in July. You did insist that you had written a letter. If you had written a letter, what was the date of that letter?

**Mr. Landreville:** I did not insist, with due respect to you, Mr. Chairman, I say that my order went through Mr. Farris or by letter to Continental; of that I was not clear. I know today, of course, that that is not so because they searched the file and could not find any such letter.

**Mr. Fortier:** In fact, you were not in touch with Continental or they in touch with you until February 12th, 1957, when you received the 7,500 shares of NONG?

**Mr. Landreville:** And I wrote Continental and I got a letter, and in 1962 I confused that

correspondence possibly with the previous year. I cannot account for the confusion there.

**Mr. Fortier:** But it is a fact that you were not in communication with them until the day when you received that letter enclosing the share certificates in early February 1957?

**Mr. Landreville:** Except for a telephone call prior to the letter received—the date is February 12th.

**Mr. Fortier:** And to be fair, it should be pointed out that no one in Continental remembers that telephone call.

**Mr. Landreville:** I will quote to you evidence of McGraw in that respect which did not appear in this inquiry but appeared in the Farris trials.

**The Joint Chairman Mr. Laflamme:** There was no letter received.

**Mr. Fortier:** The letter of February 12th to which was annexed the share certificates and the receipts.

**Mr. Landreville:** Yes.

**The Joint Chairman Senator Lang:** Gentlemen, we will adjourn until 5.15 p.m.

**Senator Fournier (de Lanaudière):** Shall we resume to night at 8.00 p.m. or 8.30 p.m. or are we going to—

**The Joint Chairman Senator Lang:** What are your wishes, gentlemen, in that regard?

I would suggest that we come back here at 5.15 unless the wish of the Committee is to the contrary.

**Some hon. Members:** Agreed.

---

















OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

Translated by the General Bureau for Trans-  
lation, Secretary of State.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

First Session—Twenty-seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING

**MR. JUSTICE LANDREVILLE**

---

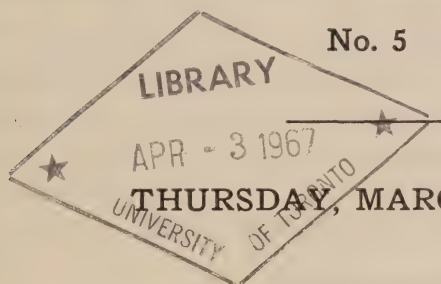
*Joint Chairmen:*

The Honourable Senator Daniel A. Lang  
and  
Mr. Ovide Laflamme, M.P.

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5



WITNESS:

Mr. Justice Landreville.

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967



THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

*Representing the House of Commons:*

The Honourable Senators

Cook,	Mr. Bell ( <i>Carleton</i> ),	Mr. McCleave,
Fournier	Mr. Cashin,	Mr. McQuaid,
( <i>de Lanaudière</i> ),	Mr. Fairweather,	Mr. Patterson,
Hnatyshyn,	Mr. Gilbert,	Mr. Stafford,
Langlois,	Mr. Goyer,	Mr. Tolmie.
Macdonald ( <i>Cape Breton</i> ).	Mr. Guay,	

Fernand Despatie,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, March 9, 1967.

(12)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 3.35 p.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Lang, Langlois, Macdonald (*Cape Breton*)—(5).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Goyer, Laflamme, McCleave, McQuaid, Patterson—(8).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville, Mr. David Humphrey, Q.C., and Mr. Terrence Donnelly.

At the opening of the meeting, Mr. Humphrey suggested that certain persons be called to testify before the Committee. Opinions were expressed and it was agreed that Mr. Humphrey would supply Mr. Fortier with a list of such witnesses and that the matter would be discussed by the Committee.

Mr. Justice Landreville resumed his presentation, commenced at the meeting of February 28, 1967. The witness was examined.

After discussion, on motion of the Honourable Senator Fournier (*de Lanaudière*), seconded by Mr. McQuaid,

*Resolved*,—That Magistrate Albert Marck's judgment, dated at Sudbury, Ontario, October 8, 1964, be printed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix D*).

At 4.45 p.m., the Committee agreed to take a ten-minute recess.

On re-assembling, Mr. Justice Landreville continued his presentation and he was examined.

At 6.05 p.m., the Committee adjourned until 8.00 p.m. this day.

### EVENING SITTING

(13)

The Committee resumed at 8.15 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The same as at the afternoon sitting.

*Representing the House of Commons:* Messrs. Cashin, Fairweather, Gilbert, Goyer, Laflamme, McCleave, Patterson—(7).

*Counsel present:* Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* The same as at the afternoon sitting.

Mr. Justice Landreville continued his presentation and he was examined.

It was agreed that a Press Release issued by the Honourable A. A. Wishart, Q.C., Attorney General of Ontario, dated October 1964, be printed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix E*).

At 9.30 p.m., the Committee agreed to take a ten-minute recess.

On re-assembling, Mr. Justice Landreville resumed his presentation and answered questions.

At 10.15 p.m., the Committee adjourned until Friday, March 10, 1967.

Fernand Despatie,  
*Clerk of the Committee.*



## EVIDENCE

*(Recorded by electronic apparatus)*

**Thursday, 9th March, 1967.**

**The Joint Chairman Senator Lang:** Gentlemen, I see a quorum. I think we might resume our proceedings. Last week when we were interrupted by a series of bells, Mr. Justice Landreville was proceeding through the report of Mr. Rand, and if it is your wish, I will ask him to pick up where he left off.

**Mr. Justice Leo A. Landreville:** Mr. Chairman, I am just waiting for Mr. Humphrey to come in; he is presumably with the counsel for the Committee, Mr. Fortier. Would you kindly wait for him?

**Mr. David G. Humphrey (Counsel for Mr. Justice Landreville):** Mr. Chairman, I was wondering if I might have this opportunity...

**The Joint Chairman Mr. Laflamme:** For the benefit of the record, I will ask you, Mr. Humphrey if you are speaking on behalf of Mr. Justice Landreville?

**Mr. Humphrey:** Yes. I wonder, Mr. Chairman, if I might have this opportunity to seek the guidance of the Committee on whether this would be a proper time to discuss the witnesses that we were intending to call and see if their evidence would be relevant.

**The Joint Chairman Mr. Laflamme:** Last week we had only as a witness Mr. Fisher, who was introduced to us by Justice Landreville and as Justice Landreville stated before, this witness was precisely a character witness; the Committee has decided unanimously not to hear any character witness.

**Mr. Humphrey:** I understand that, sir, and in clarification of that we want to make our position clear that it is not because there was any apprehension about adverse character witnesses being called that this ruling was made. As long as we have that...

**The Joint Chairman Mr. Laflamme:** No, we fully agreed on that.

**Mr. Humphrey:** Well, then there are some other areas in which we might, subject to the

guidance of the Committee, wish to call witnesses. I was wondering, because of the distance that some of them might have to come, whether we could at this time outline for you the topic of—

**The Joint Chairman Mr. Laflamme:** Would you have the list of those witnesses and the facts on which they want to testify.

**Mr. Humphrey:** I do not have it printed; I have some notes here that I wish to present.

**The Joint Chairman Mr. Laflamme:** This could be discussed tonight by the steering committee, and submitted later to the members to ascertain if those witnesses would be required by the members for the benefit of...

**Mr. Yves Fortier (Counsel to the Committee):** I could meet with Mr. Humphrey after this afternoon's session and get the names and the general purport of their testimony and report back to the steering committee and then the steering committee can take a decision. Would that be satisfactory?

**Mr. Humphrey:** If I may just continue; what I was anxious to do in discussing this with the Chairman, is to see if we could attempt, for our own purposes to clarify the issues that the Committee thinks would be of importance. For example, if Mr. Justice Landreville's competence in the performance of his duties was something of an issue, then we would know what witnesses to call in that regard.

**Mr. Fortier:** It was made very clear to Mr. Justice Landreville last week that this is not in issue.

**Mr. Humphrey:** I understood that, and that clarifies that situation. Then, whether or not, for example, after his preliminary hearing, he returned to the bench for some fourteen months. Is there any concern about the reception by the bar or the officers of the court or the litigants as to his continuing sitting. Is that an issue?

**Mr. Fortier:** I do not think it is, personally. Subject to what the members of the Committee feel, I think it is completely foreign to the issue that this Committee has to decide on. Do you not think so, Mr. Chairman.

**The Joint Chairman Senator Lang:** This, I would take to be the consensus of this Committee. I do not like to try to speak for the Committee in this regard and I think if anybody has any contrary opinions it might be useful to us if they expressed them, but in those two areas mentioned by Mr. Humphrey, I do not think any of us have any particular interest.

**Mr. Humphrey:** That assists us very much and we are grateful for that; there is one more area; for example whether or not there is an issue of whether Mr. Justice Landreville as mayor used undue influence on any of the councillors.

**Mr. Fortier:** This was gone into at length last week by Mr. Justice Landreville and I seem to recall that the members of the Committee who spoke expressed the unqualified opinion that there was no such question of influence used by Mr. Justice Landreville while he was mayor. As a matter of fact, I asked the question of Mr. Justice Landreville whether or not anywhere in the report Rand says so, and His Lordship acknowledged that he did not. The only time he speaks of influence, he speaks of legitimate influence.

**Mr. Landreville:** No; in the report of Rand—correction—he does say that I exercised influence. If you remember, I drew the attention to this. On page 74:

There was also the strong support of Mayor Landreville.

And at page 91 also, gentlemen, the second sentence:

It is originally related to Justice Landreville as Mayor, as a reward for influence in bringing about the grant of the franchise or in hastening the grant—  
So I think that we can agree on that and we will not need to call aldermen and controllers.

**Mr. Fortier:** My point was that nowhere in the report does Rand in fact find as a fact—

**Mr. Humphrey:** It does indicate that this was the original suggestion.

**Mr. Fortier:** Yes; that is right.

**The Joint Chairman Senator Lang:** We are talking about, really not influence, but improper influence, and I do not think in either of those statements is any suggestion that the influence was improper. "The strong support of Mayor Landreville" on page 74 would be quite in keeping with a conviction that the franchise was a public benefit and I think we are talking on page 94 of "a reward for influence in bringing about the grant of the franchise or in hastening the grant" is not necessarily improper influence at all. I do not think that implication carries unless the Committee feels otherwise.

**Mr. Bell (Carleton):** I do not understand that there is likely to be any evidence which is different, or additional, in any event, to that which has already been submitted to the Rand Commission by all the aldermen and controllers, and that evidence we can read ourselves.

**Mr. Humphrey:** I wonder, at the risk of being bothersome, if I may raise just one more topic, gentlemen. Is there any concern by this Committee about the authorship of the so-called law society report. Would this Committee be interested in the circumstances surrounding that report? I was told by Mr. Justice Landreville this Committee had rather indicated they were—I just do not know how to put it. I will leave the question: is that a topic of interest where we could assist this Committee?

**The Joint Chairman Senator Lang:** Mr. Justice Rand merely brings in the law society report by way of reference. I think there may be some question in the minds of the Committee.

**The Joint Chairman Mr. Laflamme:** With your permission, Senator Lang, on page 95 of the report Judge Rand says:

It is perhaps unnecessary to say that the resolution of the Benchers of the Law Society of Upper Canada submitted to the Minister of Justice has played no part whatever in arriving at the conclusions of fact set out in this report.

**Mr. Humphrey:** I understand he said that, but my question really was directed to this Committee, whether this Committee would deem it of assistance to itself and want us to go into the law society report, as to how it came into being, the procedure followed.



**The Joint Chairman Senator Lang:** I would express, and perhaps I am expressing the concern of some members of the Committee, some concern as to the propriety of the Law Society of Upper Canada in engaging itself in making a report of this nature at all, and I think that concern would eliminate consideration of their conclusions by this Committee; that concern alone.

**Mr. Landreville:** Mr. Chairman, if I may interject this: Of course, as is well established this law society report had not been published, released by the law society and had not either, in spite of many requests, been released by the Minister of Justice, and it was Mr. Rand who produced and attached this report. I may say that on the inquiry—and the evidence is there—the law society report was not dealt with. It was just mentioned casually and Mr. Rand sort of indicated that that was not of concern; otherwise I would have liked to give evidence as to my knowledge and how this report came about, and what my information was concerning these matters and I would have called Magistrate Marck along the lines of the letter that he wrote to the Law Society. In short, I view with a great deal of alarm the fact that this is a report *ex parte* and made. Now, I am not going to criticize the whole Law Society. I am not the Chairman, and I may assure you that any criticism I have will be possibly against a few of the benchers who put this forward, whom I will not name, but I feel that I must out of justification for myself, make some broad comments on it, without castigating anybody, when the time comes.

**Mr. Fortier:** The fact that it was included as an attachment to the Rand Report without having been legally filed before the Commission was assented to by your counsel, as I pointed out last week, during the argument.

**Mr. Landreville:** It was not assented. It is a material.

**Mr. Fortier:** The question was put—I will read it again, at page 1327 by the Commissioner:

...so far as the Law Society is concerned, it is a matter of indifference whether the Minister or whether this Commission should make it available, as you might say, as an attachment to its proceedings....

Mr. Robinette: No, I wouldn't think it made any difference at all.

● (3.45 p.m.)

Whether or not Rand was influenced by the report, well, he says that he was not. Whether or not members of this Committee would be influenced by the report, it is for them to say.

**Mr. Humphrey:** If I may interrupt sir, I originally suggested that we wish some guidance along this line because if members of this Committee would place some reliance on this report, it would be very helpful to us if we could have such indication, and we could govern ourselves accordingly and perhaps adduce some clarification.

**Mr. Fortier:** If in reaching a decision the Committee used as a *ratio decidendi* the report of the Law Society, I think it would be making a very grave mistake. I do not think it is within its terms of reference to do so.

**The Joint Chairman Senator Lang:** May we have some expression from the Committee members? Mr. McCleave?

**Mr. McCleave:** Mr. Chairman, I think we should confine ourselves to the three findings on pages 107 and 108 and leave out the appendix containing the report from the law society. That is my own view on this, anyway. That is how I intend to proceed.

**Mr. Fournier (de Lanaudière):** In my opinion we should not give any consideration to that Law Society report.

**The Joint Chairman Senator Lang:** I think I can say there is nothing contra that. The point Mr. Humphrey, is that this Committee is not concerned about the circumstances surrounding that report, nor with the content of it.

**Mr. Humphrey:** Well, there are one or two other matters and I think perhaps I have taken too long already. I will speak to Mr. Fortier later, if I may, and then perhaps we can speak to this Committee later.

**Senator Cook:** Do we not really want, Mr. Chairman, evidence that is new or fresh? I mean any evidence that we want to hear, it seems to me, should be new or fresh evidence.

**Mr. Humphrey:** There is one point I was going to deal with in that regard, namely the possible calling of Mr. Robinette, who was counsel for Mr. Justice Landreville, to indicate the frame of mind of Mr. Justice Landreville and Mr. Robinette when they ap-



proached the Commission hearing, in view of the correspondence they had with the Minister of Justice, to indicate that they never contemplated the scope of the investigation and the ensuing report made by Mr. Justice Rand. Had they anticipated that, contrary to the understanding and correspondence that they had, their participation before Mr. Justice Rand would have been entirely different. But that is something I will discuss with Mr. Fortier, with your permission, sir?

**Senator Cook:** Do you mean that they were taken by surprise?

**Mr. Humphrey:** Yes, quite definitely. I will discuss that with Mr. Fortier.

**Mr. Bell (Carleton):** Mr. Chairman, I think perhaps that I should make my position clear. I intended to use no part of the Law Society report as evidence of anything; but if there is evidence which leads to a conclusion that is similar to something which is in the Law Society's report, then I do not intend to disregard the evidence, just because the Law Society has reached a conclusion based on that evidence.

**The Joint Chairman Senator Lang:** I think then perhaps it is the wish of the Committee that we will ask Mr. Justice Landreville to continue where he left off last week.

**Mr. Justice Leo A. Landreville:** Yes. Mr. Chairman, we had arrived at around page 23 and I am going to just underline certain portions which this Committee may consider. At page, 23 at the top, it says that:

—no change of status had occurred to Mayor Landreville, NONG, in all probability would have gone through with the transfer—

I do not know what to make of this, except to say that had I not become judge, I would indeed have received the shares.

**Mr. Fortier:** Where is this?

**Mr. Landreville:** At page 23 at the top.

**Mr. Fortier:** Oh, yes.

**Mr. Landreville:** And page 24, at the top, you see the second paragraph; that is a letter that I wrote to Mr. Farris under date of September 19, and it sets out fairly well what dilemma at the time was, particularly in view of the fact that the future looked prosperous had I remained in Sudbury. Mr. Rand has seen fit to underline the words.

*I am keeping your letter of July 20th carefully in my file.*

I would like to simply comment that the words "outwardly aloof" should, to my mind at least as I wrote them and as I know them, have no sinister import that I am going to be working for the company in the background. I kept that in the same paragraph along with the letter that shows that I have your option and I am going to see what progress the company is going through, and that is the purport of that letter.

The September meeting; I must say, in giving my evidence before the Ontario Securities Commission, I had, I think, entirely forgotten the September meeting in North Bay with Mr. Farris and Mr. McGraw. This ledger of September 19, I did not have in my files. It was taken from the files of Mr. Farris in Vancouver and our conversation in North Bay in September, as I say, was really concerning the decision I had to make, and there were a few words mentioned about the option and he said, "Yes, sure, you can have the shares whether or not". Remember in the evidence it is quite clear that the company had applied for supplementary letters patent and in the fall of that year shares were not available and that is what delayed the passing of the shares to Continental until January or February of 1967.

Page 25, at the bottom, there is some mention about my evidence again there.

**The Joint Chairman Senator Lang:** May I interject? I am sorry Mr. Landreville, back on page 24—

**Mr. Landreville:** Yes.

**The Joint Chairman Senator Lang:** —I was looking at the letter of October 1. Mr. Farris says to you:

I am hoping to see you in a few days in either Ottawa or Sudbury...

Why would he mention Ottawa, do you know, in that letter?

**Mr. Landreville:** Well, if I recall, I can verify this, I believe that I was in Ottawa and—I cannot tell you offhand there; in—

**The Joint Chairman Senator Lang:** There may be no significance to it at all.

**Mr. Landreville:** I do not know, except for the fact that my parents, my relatives, all live in Ottawa. He knows that I came here but I cannot assist you Mr. Chairman on that score.

**The Joint Chairman Senator Lang:** Please disregard the question.

**Mr. Landreville:** I know that on the 10th and 11th I was in Toronto and I did attend the swearing in ceremony in October.

Now, at the top of page 25:

As appears later, there was another possible purpose for which the letters of July 20 and 30 might have been considered to be of use: to give contractual appearance to a non-contractual acquisition.

Well, it is difficult to argue that particular point except one places himself in the month of July, 1956, and I cannot amplify on the wording of the letters themselves. The indication of the Commissioner might be that there was some connivance or something sinister to try and give a contractual appearance. Certainly, let us not lose sight of the fact that in 1956 I did not know that I would be here in 1967. I did not know any of the events that would take place in '58, '59 and '60, and in this, and I can summarize this generally, by comparing with the opinion of Magistrate Marck in his judgment—would you locate that—in his judgment and Magistrate Marck had an opinion which is totally different than that of the Commissioner in this respect. I may just quote you the one paragraph of that judgment—just a minute now:

Evidence has been adduced that the accused as Mayor did not vote on any by-law. Where is the influence used by the accused? Where is the criminal act by the accused Mayor? On the evidence before me I cannot find any criminal act. Throughout the investigations by the Securities Commission, the preliminary hearing of Ralph K. Farris and the subsequent trial of Ralph K. Farris which evidence is all before this court, the accused has given the same explanation—I became friendly with Ralph Farris and as a result of that friendship was able to purchase some stock which at the time was of a nominal value because Northern Ontario Natural Gas at that time was little more than a paper entity with some franchises.

Bear with me, I am searching for a particular portion. Have you got that copy?

**Mr. Fortier:** No, I do not have that copy here.

**Mr. Landreville:** If I may continue reading that paragraph:

Mr. McGraw in evidence says that at the time of the granting of the "option" to the accused it was absolutely unforeseeable that the price of the stock would advance so rapidly—in his words "A gas explosion suddenly hit the market".

**Mr. Fortier:** Mr. Chairman, if I may, we referred earlier to the report of the Law Society, at least Justice Landreville did; it is not my recollection that this judgment of Magistrate Marck's was filed as an exhibit before Rand? Correct?

**Mr. Landreville:** Yes, I believe so.

**Mr. Fortier:** I do not think it was. And it has not been filed as an exhibit before this Committee so it seems to me that before Mr. Justice Landreville starts reading from it the Committee should determine whether it proposes to consider it. Until then it is beyond the terms of reference, I submit.

**Mr. Landreville:** That brings up the moot question of Mr. Humphrey, what witnesses you want to hear.

**Mr. Fortier:** I am just pointing this out for the Committee to decide.

**Mr. Landreville:** I should like to have Magistrate Marck here, and as indicated to me, he is anxious to come and not only read his judgment but also comment on the letter he wrote to the Law Society.

**Senator Cook:** Just as a matter of record, why can we not have a copy?

**Mr. Fortier:** Not but until it is filed—

**Senator Cook:** Yes, I know, but it is a matter of record.

**Mr. Bell (Carleton):** A judgment is one thing, it is a public document. A letter to the Law Society is no different from the Law Society's Report. It is in the same category.

**Mr. Landreville:** In this—well, I will undertake to file this. I will let you have this; this is a copy, and you better get another copy.

**The Joint Chairman Mr. Laflamme:** Is it agreed by members of the Committee that this judgment of Magistrate Marck be part of our records as an appendix?

**Senator Fournier (de Lanaudière):** I so move.

**Mr. McQuaid:** I second the motion.  
Motion agreed to.



**Mr. Landreville:** There is a letter, it is already in. I just wish to underline here the different opinion between Commissioner Rand and Magistrate Marck, who after all heard the same evidence, and I point out this:

As to the shares themselves there was nothing devious or circuitous concerning the delivery or ownership of the shares. A ledger account was opened in the name of "Mr. Justice L. A. Landreville, Osgoode Hall, Toronto, Ontario," in the books of Continental Investments (See Exhibit #13). The shares were mailed by Continental Investment Corporation Limited to "Mr. Justice L. A. Landreville, Osgoode Hall, Toronto, Ontario" (See Ex. #2). The accused wrote to Continental Investment Corporation Limited on the stationery of the Supreme Court of Ontario (See Exhibit #3).

● (4.00 p.m.)

The accused subsequently sold his shares through a prominent stockbrokers firm in Toronto and the proceeds were deposited in his personal bank account. Surely a man of his known intelligence would not act in such a manner if he were guilty of a criminal offence.

That is just an opinion of another magistrate which I submit and in support also of this, in amplification of his judgment, he said in his letter to the Law Society:

In the Landreville case, not only was there a total absence of evidence he had been guilty of municipal corruption, my decision points out findings which disprove that possibility or necessity.

**The Joint Chairman Mr. Laflamme:** Justice Landreville, I do not think there is anything in the Rand Report which says that you had been guilty of a criminal offence.

**Mr. Fortier:** It is quite the opposite.

**Mr. Landreville:** That is not the point I am making, Mr. Chairman. The point I am making is that Mr. Rand said that I went in a circuitous way by secrecy, and everything was, cloak and dagger was the expression used, unfortunately by my own counsel, I might say. But those were the acts of Convesto as related to Farris out in Vancouver. And there is nothing in the evidence that links me to that and positively I had nothing to do with their set of books in Vancouver.

In any event, in support also of the element of secrecy here is exhibit No. 17 which was

filed before Mr. Rand, showing the account in Convesto is in Continental Investment. "Client's ledger, Mr. Justice L. A. Landreville, Osgoode Hall, Toronto" and the entry "Northern Ontario Natural Gas, \$2.50", charged to me 25,000 and then sold 2,500 and then delivered 7,500. And this document is the ledger account of Continental Investment.

I can go deeper into it, if you want any further explanation by saying how was it that Mr. McGraw was never called by the Ontario Securities Commission? Well, I could quote from the transcript that Mr. Bray of the Ontario Securities Commission, when investigating in 1958—remember the date May, 1958,—stated, "No letter had been written to Continental Investment to find out where the 14,000 shares—" they had not even written a letter—there was a telephone call put through by one of the department men to a man by the name of Smith in Vancouver, but they never traced it down in 1958, where those 14,000 went. Out of the 14,000 shares admittedly, it is obvious, 10,000 came to me and some shares were disposed of to others. I am just underlining here what—

**Mr. Fortier:** I would have thought that it would have been for Mr. Farris and other officers of Northern Ontario to adduce this sort of evidence before the Securities Commission, because they testified before the British Columbia Securities Commission, did they not, McGraw and also his accountant?

**Mr. Landreville:** I am not aware of that. I did not follow those proceedings at all. The only thing I know—and I will go on and explain the events of 1958, with a bit more clarity.

**The Joint Chairman Senator Lang:** But Mr. Justice Landreville, those shares were delivered to you in street form, I believe, were they not?

**Mr. Landreville:** They were, if I recall correctly, under the name of Convesto on the front. They were endorsed and that would make them street form.

**The Joint Chairman Senator Lang:** Did you instruct anyone to deliver them in that form, rather than in a registered form?

**Mr. Landreville:** No, sir. My conversation on the telephone with that party, and I thought it came from Continental, and Mr. Rand makes an issue of this—



**Mr. Fortier:** There is denial by all officers of Convesto, Mr. Justice Landreville.

**Mr. Landreville:** I will deal with that evidence in a moment, if I may.

I did not ask for street form; they were sent to me by registered mail and I received 7,500 shares.

**Mr. Fortier:** The journeying then would have at no time appeared on the books of NONG?

**Mr. Landreville:** On the books of NONG? No. I did not know that, I just found that out through the inquiry, but when NONG put out its prospectus, there were shares, Convesto, that is Continental Investment, 14,000 shares, and then there were a number of other shareholders. So this 14,000 were never traced by the Ontario Securities Commission as to what happened to them.

**Mr. Fortier:** But you know the answer they received from Mr. Farris.

**Mr. Landreville:** No. I will deal with that also. The question was: Are you aware of the disposition of the 14,000 shares and Farris said no. That was his answer. There was also some hypothesis there that can be drawn.

**The Joint Chairman Mr. Laflamme:** It is on this basis that he has been accused of perjury.

**Mr. Landreville:** Yes.

**Mr. Fortier:** That very question?

**Mr. Landreville:** Yes, that very question. I will read however what the opinions of Mr. Justice Wells was in that case in charging the jury; what the opinion of Mr. Justice Wells was of McGraw, and it may be of assistance to this Committee to look into that as a matter of opinion, one jurist to the other.

Now, gentlemen, I am going ahead of myself. At the bottom of page 25—I do not know that there is much significance in the comments of the Commissioner. At pages 26 and 27 he is relating just evidence that I gave on other occasions. At the bottom of page 27 also he says what my evidence was, that I felt free to speak to Farris about the following year.

Page 28 deals with—I did use the words “my affinity”; that is my friendship with Mr. Farris. In the middle of that page 28, the question was:

Q. Am I of the understanding this (?), that (what) had been a business relation-

ship, by May 1956, had ripened to the state, how shall I put it, mutual respect and admiration?—A. I think you are putting it very correctly.

At page 28 at the bottom the Commissioner underlines words and he says:

—that I had met Farris following a visit of Grey in which it was, *presumably, felt that Mr. Grey was making no headway—*

Well, on the whole of the evidence it is uncontradicted that my stand was in the January of 1956, a wait and see attitude, there is no rush with this matter and, until I got a telephone call. I just wished you to know that page 29—I still repeat that today—at the end of the first paragraph it states:

I have not discussed this matter with Mr. Farris.

And I have stated on a number of occasions already, four hearings, that I did not compare evidence with Farris. Certainly the innuendo that transpires through this, is that I would have told Farris, “by all means, keep my name out of this to the extent of committing perjury”, and if anyone wants to believe that, the only thing I can say is that I deny it. I never directly or indirectly invited Farris, solicited Farris to say anything and I did not discuss the matter with him. I will deal with that a little more conclusively, when Mr. Rand says that I was interested in protecting Farris as Farris had protected me.

In the Regina versus Farris trial—

**The Joint Chairman Mr. Laflamme:** Could you tell me, Mr. Justice Landreville, if you know of anyone whom Farris wanted to protect when he answered “no” to a question asked of him, if he knew where the shares were going to be delivered to?

**Mr. Landreville:** I want to understand your question correctly.

**The Joint Chairman Mr. Laflamme:** The precise answer he had given to the Ontario Security Commission when he testified and he said that he did not know to whom the shares—

**Mr. Landreville:** Would you like me to deal with that after, because I cannot right now.

**The Joint Chairman Mr. Laflamme:** Do you know if at that time he wanted to protect anyone?

**Mr. Landreville:** I did not know that and I had no consort with him, nor asked him, and to that I positively affirm.

**Senator Cook:** Did he want to protect himself?

**Mr. Landreville:** Well, in this respect I have my suspicions why, and do you know what the suspicions are, the atmosphere of 1958, because of the press and the so-called gas scandal in Ontario.

**The Joint Chairman Mr. Laflamme:** No, but surely Mr. Justice Landreville at that time Farris knew very well that those shares were going to be delivered to you, 10,000 of them out of 14,000 and three other mayors, yes.

**Mr. Landreville:** Well, all I can answer is what I know, Mr. Chairman. If you wish to affirm that Farris knew, please, it is interesting to read the Farris trial; it is interesting and I will quote to you what Mr. Justice Wells said about that very thing. If Mr. Farris had been asked: are you aware of the fact that Mr. Justice Landreville has received 10,000 shares and Farris had said "no" that would be very conclusive. But the charge that was laid against Farris read: Are you aware of the disposition of the 14,000 shares, to which he said "no".

**The Joint Chairman Mr. Laflamme:** Well, it does not make much difference.

**Mr. Landreville:** I will amplify on that by quoting from the trial of Farris, if you wish, on the evidence. I can only repeat here what I have said. I have repeated this under oath and I have said this seven times. At no time did I communicate with Farris, directly or indirectly, in an endeavour to have him shield me or protect me from anything; for I had no reason to be protected. I had taken these shares in my name; that is, received them in my own name, corresponded and dealt with them.

**Mr. Fortier:** On or about February 14, 1957, you received free—I think that is the expression used in the trade—7,500 shares of Northern Ontario. Did you ever have occasion, subsequent to that date, to thank Mr. Farris for those shares.

**Mr. Landreville:** Yes. And in my evidence if you will recall, I was in New York.

**Mr. Fortier:** Shortly thereafter?

**Mr. Landreville:** Shortly thereafter; it was a birthday party.

**Mr. Fortier:** The same month.

**Mr. Landreville:** The same month, around the 23rd or 24th, or some such date. My wife was there, his wife and there were others, Senator Farris, Leonard Dickson and his wife, who celebrated her anniversary the same day as well, and it was a private dinner.

● (4.15 p.m.)

**Mr. Fortier:** And you had occasion to mention to Mr. Farris that you had received the certificate?

**Mr. Landreville:** Yes, I told him that I had received the shares.

**Mr. Fortier:** And that in February, 1957?

**Mr. Landreville:** Yes.

**Mr. Fortier:** So that a year later when Mr. Farris told the Ontario Securities Commission that he was not aware of the disposition of the 14,000 shares—well, I leave the Committee to—

**Mr. Landreville:** I leave that to the Committee as well.

**Senator Macdonald (Cape Breton):** Mr. Chairman, is he not asking this witness what Mr. Farris thought or felt, not what was said, a very incorrect way of getting at Mr. Farris' evidence?

**Mr. Fortier:** I was asking Mr. Justice Landreville what he told Mr. Farris.

**Senator MacDonald (Cape Breton):** Yes, that may be your point of view but why ask Mr. Justice Landreville why Farris did certain things. It seems to me to be wholly out of order.

**Mr. Bell (Carleton):** I take it there was no letter to Farris, am I correct in that? Simply a verbal thanks expressed while you were in New York?

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** And no letter?

**Mr. Landreville:** I do not think so, sir; I would write a letter of thank you at that time. It was just a *fait accompli*. Here is the thing in a nutshell. I knew that from my own knowledge of the law that if Farris wanted to renege on this affair in February, in short I could not sue him and collect because it was only an option, even though it may have been, what I consider under the seal from the company, there was no consideration for it;



the consideration being my future employment. Farris, because of my reminding him of this agreement with me that I would get the shares, he kept his word and I expected him to deliver the shares. If he had said "no delivery of shares" I have said before and I repeat I would not have stood a chance of collecting.

**The Joint Chairman Mr. Laflamme:** The option was not a word; it was a written document.

**Mr. Landreville:** Oh, it was a written document.

**The Joint Chairman Mr. Laflamme:** And you had the option.

**Mr. Landreville:** Yes, but there was no consideration for the option and that is the point. Therefore, I could not have collected if I had sued him on the basis of those letters—no argument.

**Mr. Fortier:** Now, that you are on that point, when the consideration disappeared with your elevation to the bench, how did you view Farris' or NONG's undertaking towards you, as evidenced in its letter of July 20th?

**Mr. Landreville:** I still relied on his word to me that in spite of the fact that I had been elevated to the bench that he would let me have the shares. That was in the fall of 1956, at a time when the shares were still \$2.50. I have the evidence of Mr. Clark as to why the option was given to me. We have not gone into that at any length and I think—would you find it for me—I just wish to quote you the one page, and it substantiates the fact.

**Mr. Fortier:** There being no consideration at that point, as you acknowledge, as you say—I am not asking what was in Farris' mind, but I would think the Committee may like to know what was in your mind at that point when you said: "I still want the shares."

**Mr. Landreville:** What was in my mind? I thought that would be a good buy, that stock. I expected in my own mind, frankly, knowing what the prospects were of that company of distributing gas to see it go to \$2.75, \$3. and increase gradually. But I never expected it to jump to \$10 and \$12 within a matter of those months. Mr. Clark—if you are willing to hear just this bit of evidence at page 101, as to why the option was given.

And that, as a practicing lawyer in the Sudbury area, and with the wide knowl-

edge of affairs in Northern Ontario and last, but not least, a complete bilingual education, and it must be remembered that much of the area we were going to serve is French-speaking in that northern tier. Mr. Farris and I had indicated that, when the company was financed and in business, which we didn't think was going to be for another year or so, and that we could really afford to offer Mr. Landreville a future in it, we would like him to come with us as one of our executives. That is what led up to this letter and since we had already given Mr. Tomlinson an opportunity of purchasing stock in the same order of magnitude as this, and Mr. Chester Grey in the same order of magnitude—

**Q.** What were these orders of magnitude?—**A.** Roughly, 10,000 shares.

**Q.** At what price?—**A.** We evidently thought—I don't recall our thinking at the time but the same kind of offer to Mr. Landreville was made at the time before the stock appreciated would make sense, and that is what we had done with our other two key employees.

**Q.** They were given the right to gain at \$2.50?—**A.** They were given the right to the offer at less, I think that was right, at \$2.50.

Now, this brings up the point you—the original consideration, why I was given that. That consideration Mr. Rand says evaporated and disappeared when I decided to take another office.

**The Joint Chairman Senator Lang:** You would agree with that, would you not?

**Mr. Landreville:** Yes. I can agree with Mr. Rand that Mr. Farris could very well have said: "You are not coming with us and therefore you are not going to have that 10,000 shares." But, my correspondence indicates, September 19—"I am keeping your letter of July 20th carefully"—that accentuates also my speaking to him in September of 1956. Let us not lose sight of the fact when that stock went up. So he kept his word and there is no other answer to it but that.

**The Joint Chairman Senator Lang:** If the consideration had disappeared on September 19, the date of your letter to Mr. Farris, in which you say: "I am keeping your letter of July 20th carefully in my file", if the consideration had at that point vanished, why was



the letter of July 20 of any significance whatsoever?

**Mr. Landreville:** Well, that was the basis of the quotation to me of the stock of 10,000 shares at \$2.50. There was a conversation in September in North Bay. This letter of September 19 followed that meeting.

**The Joint Chairman Senator Lang:** Would not you say, I would like to remind you of our conversation in which you said I could still have the stock rather than referring back to the letter of July 20?

**Mr. Landreville:** I could have used those words just as well, but I thought this was writing signed by the President and Vice President and had a little more than an oral import.

**Mr. Bell (Carleton):** In view of your evidence in the last few minutes, Mr. Justice Landreville, may I direct your attention to the evidence as it appears towards the bottom of page 30. Perhaps you would like to explain what you had in mind. This is evidence before the Securities Commission. You say in an answer:

I must admit your question is partly one of law and partly one of fact. Whether that document constitutes a binding offer or not, on the face of the document, I am not going to answer that. I felt the company was obligated to me because it consented to a firm offer and when the word "firm" is made to me it is firm. Is the word "firm" in there?

**Q.** Yes.—**A.** When the words "firm offer" are used to me it means firm.

Now, I find that a little difficult in light of your testimony this afternoon.

**Mr. Landreville:** Let me explain; to me the word "firm" means it is a serious offer. It does not absolutely mean binding in a sense, it is a firm offer we are putting to you.

**Mr. Bell (Carleton):** We are both lawyers, Mr. Justice Landreville, and firm means to you as a lawyer something more serious, surely?

**Mr. Landreville:** Well, I took it to be a serious offer and a serious—I accepted it at its face value.

**Mr. Bell (Carleton):** And it would continue to be firm although the consideration for which it had been given had vanished?

**Mr. Landreville:** I would say that after my decision of September that the actual consideration of my intending to go with the company had disappeared and Mr. Farris said so. Well, he said that at that time he told me he would get me the 10,000 shares and he stuck to his word. That is his evidence.

**The Joint Chairman Senator Lang:** But after your commitment to go on the bench had been made you were still relying on the letter of July 20, notwithstanding there was no consideration for it?

**Mr. Landreville:** Well that is rather—I am saying that, indeed, in the letter: "I am keeping your letter of July 20th carefully" meaning, do not forget the promise you made to me in this letter of July 20th and those are the terms.

**Mr. Fortier:** What in your opinion, after your elevation to the bench, Mr. Justice Landreville, made you entitled to preferential treatment of the same magnitude as that enjoyed by actual executives of the company?

**Mr. Landreville:** Well, I could tell you first of all the reason is that I got a year's option. Is that what you are after?

**Mr. Fortier:** No, after your elevation to the bench, as has been noted, the consideration disappeared. You still exercised the option which was one like that which had been granted to people like Tomlinson and Grey who actually worked for the company. It was treatment of the same magnitude. You enjoyed preferential treatment. How in your mind, after you had gone on the bench and consequently could not perform your part of the bargain, that is, working, of actually being an executive of NONG, how did this preferential treatment become explained?

**Mr. Landreville:** On the simple basis that the man, Mr. Farris, kept his word, just as I would have kept my word. If those shares in February or at July 1957, say the option, had been \$2.50 I had told Farris I am taking them, I would have taken them.

**The Joint Chairman Senator Lang:** What do you mean by his word, kept his word and where expressed?

**Mr. Landreville:** That was expressed in September in North Bay to me, and then in a phone call in October when he telephoned me to congratulate me. At that time he said: "Do

you still want those shares?" I said: "Yes, I will take them". I cannot do more than that, gentlemen. Mr. Farris has given his evidence. He has testified before Mr. Rand and he says that is it, he kept his word. That is all there is to it. And mind you, with respect to the orders of Continental—I do not want to side-track the issue here—but I never said anywhere that Farris did not give instructions to Continental, to McGraw, quite to the contrary—

**Mr. Fortier:** The letter from McGraw to you makes that very clear on February 12 "acting on instructions from—"

**Mr. Landreville:** Yes, that makes that perfectly clear and the issue there that we are touching is—get me the evidence of McGraw.

**Mr. Fortier:** Volume 8.

● (4.30 p.m.)

**Mr. McQuaid:** Mr. Chairman, may I ask Counsel a question while Mr. Justice Landreville is looking that up? Is there anything in the transcript to indicate anywhere that Farris at any time tried to back down on this offer? Is there anything to indicate that Justice Landreville did anything more than merely ask him to deliver the shares? (4.30 p.m.)

**Mr. Fortier:** No.

**The Joint Chairman Senator Lang:** I wonder if I might ask our counsel a question along the same line. Is there any evidence in the transcript by Mr. Farris to the effect that he made a commitment to Mr. Justice Landreville with respect to the shares after he knew he was going to be appointed to the bench, i.e., as Mr. Justice Landreville has said he did in the meeting at North Bay, and in a subsequent telephone conversation; is there any corroborative evidence of that fact in Mr. Farris' testimony.

**Mr. Fortier:** That Mr. Farris would have made his second commitment?

**The Joint Chairman Senator Lang:** Yes.

**Mr. Fortier:** No.

**The Joint Chairman Senator Lang:** What about the evidence of Mr. Clark?

**Mr. Fortier:** The question is asked with respect to Mr. Farris as to whether or not Mr. Farris testified before Commissioner Rand that the first commitment of July 20 having

disappeared, a second commitment was made to you in North Bay and my answer is no. The two are interwoven in Mr. Farris' testimony as being only one; it was the same commitment.

**Mr. Landreville:** May we leave that question in abeyance, Mr. Fortier, because I do not want to disagree with you until I refresh my memory but I think that Mr. Farris did say that once I was going to the bench he then committed himself anew to me; that he did say you can have those shares—that was in the fall of...

**Mr. Fortier:** Oh, he did say, he did say, my recollection is that he did say, you can have those shares, but he did not say I am now making a new commitment deal or anything of the sort.

**The Joint Chairman Senator Lang:** I think it might be useful to the Committee if we did have a reference to that evidence.

**Mr. Goyer:** Would you have accepted the offer of 10,000 shares from Mr. Farris if at the same time you were not discussing joining the company.

**Mr. Landreville:** In July?

**Mr. Goyer:** In July, yes.

**Mr. Landreville:** Just to buy the shares without joining the company?

**Mr. Goyer:** Yes.

**Mr. Landreville:** Well that is difficult. You are asking me today on a hypothesis of 1956. I do not know what I... In hindsight today, I would say yes, of course, knowing that the stock had gone up, but to have been that anxious I thought the stock would go up and that is why and particularly my interest is when I work with a company, it is part of my *modus vivendi* if you wish, I like to have some interest in the company if I were going to be a director of the company.

**The Joint Chairman Mr. Laflamme:** But at that time, Mr. Justice Landreville, you did not buy the shares. You received the free option for one year.

**Mr. Landreville:** That is true. I can tell you that I did ask to buy shares and what came in the mail because Farris did not promise anything the night we spoke about it; he did not say you definitely will have shares or you will have an option. He did not promise that. He



said, "I will see what I can do. We are in such a muddled up affair but I will see what I can do", and he did. Within a very few days after, the letter came to me.

**The Joint Chairman Senator Lang:** The next day, I believe; am I not correct?

**Mr. Landreville:** The 20th—the letter was dated the 20th, and the meeting was July 17th—three days.

**Senator Cook:** There was to be a directors' meeting on July 18th, which did not take place.

**Mr. Landreville:** Yes.

**Senator Cook:** Now, on the 17th, he was vague, he was not quite sure what the status was, but then he went right back to Toronto and on the 18th had a directors' meeting and offered you 10,000 shares.

**Mr. Landreville:** Yes, sir. That was his evidence.

**The Joint Chairman Mr. Laflamme:** But, Senator Cook, according to the evidence, this was not discussed at the meeting of the 18th.

**Mr. Landreville:** This was not mentioned.

**The Joint Chairman Mr. Laflamme:** There was no meeting.

**Mr. Landreville:** Mr. Farris also in his evidence, I think Mr. Fortier will verify this, said that in the organization status of that company there was really only Clark and himself and another that would be consulted. They organized things and passed resolutions. I think in one case he said they held a meeting in the elevator of the Chateau Laurier.

**Mr. Fortier:** The Ritz Carlton.

**Mr. Landreville:** He said, "we dit not have a secretary, our lawyer was to draw the minutes" and at page 107 of Mr. Clark's evidence, he says:

You didn't have a regular secretary at this time?

He says:

No heavens, no.

**Mr. Bell (Carleton):** May I just ask for clarification; you have made considerable evidence this afternoon about Farris keeping his word, Mr. Justice Landreville, and what I am not clear on is, why there was any obligation, moral or legal, upon Farris to keep his word

when the consideration for which the word was given had been totally withdrawn.

**Mr. Landreville:** Morals? I would say, in answer to that, it depends on the man. If you give your word, and you look at the evidence of the argument between Mr. Robinette and the Commissioner, the Commissioner argued the very point you are bringing out and he said to Mr. Robinette that there was no consideration and Mr. Farris was not obliged to legally or morally or otherwise. He said simply, because the evidence is clear, Mr. Farris had promised, told Mr. Landreville he could have the shares and he kept his word. And Mr. Rand said, "Well, I don't believe that". Mr. Robinette said words to this effect, correct me Mr. Fortier, if I am wrong, words to this effect: Mr. Rand if you told me you did something or would do something tomorrow, I would take your word without it being under seal or anything.

**Mr. McQuaid:** Mr. Landreville, could I ask you this. At any time after Mr. Farris realized that the consideration had failed, that is, after your appointment to the bench, did Mr. Farris ever give any indication that he would like to get out from under this, more or less, promise that he made.

**Mr. Landreville:** No, sir.

**Mr. McQuaid:** He never indicated at any time?

**Mr. Landreville:** He never indicated that to me. I never received a—there was just that message over the telephone in October 1956, and from then on I do not recall, frankly I was on my work, my new work, and I do not recall ever speaking to Farris. It may be that I—he never asked.

**Mr. Fortier:** The answer to your earlier question, Senator Lang, I am reading from the evidence of Mr. Farris on page 360, Volume No. 3.

Q. Now, sir, I was asking you about this July 20th letter, and in the course of one of your answers I think you mentioned that you had a discussion with Mr. Landreville later about the time he was considering going on the bench, did I hear you correctly?—A. That is right.

Q. Can you tell me where, and approximately when that took place, or the circumstances?

And then there are answers which eventually place it in September, 1956, in North Bay.



And then an answer from Mr. Farris:

Yes there was obviously several conversations but I think the essence of the first one was that he had received a call from either the Prime Minister or the Minister of Justice, and that he, Mayor Landreville had phoned several other people whose judgment he valued, and he included me in that, and what was my attitude, and of course, because of our previous conversations and his plans to be associated with our Company, I guess I considered it most natural that he would phone me.

Q. Did he express any concern about whether he would be allowed to continue to buy the shares that had been mentioned in the previous letter?—A. I thought of that too, Mr. Morrow, and I don't think it was in that conversation; it was a later conversation that he said now that he was going to become a judge could he still buy shares in our Company.

Q. Could you tell me the date of that?—A. I would say again September, or early October.

Q. Of 1956?—A. That is right, and at that time in my opinion in looking back on it I think that what had been a proposed officer's option then became a commitment on his behalf to purchase and ours to sell to the extent that we were able to make such a commitment.

I think this is the answer to your question, Senator Lang. This is on page 362, Volume 3.

There is a further question at the bottom of page 363:

September 19th, 1956; at that time had you had any discussions with Mr. Landreville to the extent that he had been assured or not as to whether he would be able to continue buying shares?—A. I think it was after this that he asked me could he continue to buy shares, because obviously the minute he accepted his judgeship the July 20th letter, the previous agreement was non-operative, it was gone.

**The Joint Chairman Senator Lang:** I was wondering, did you regard yourself as bound to purchase those shares at \$2.50, as of the telephone conversation with Mr. Farris in late September or early October.

**Mr. Landreville:** My answer is yes, morally but not legally.

**The Joint Chairman Senator Lang:** Not legally?

**Mr. Landreville:** I gave him my word. I said I will take them. That is in my letter of July because I had faith in the Company. I thought it could not go very far wrong.

**The Joint Chairman Senator Lang:** In other words, you did not consider that you had a contract of purchase and sale as of the time of that conversation with Mr. Farris?

**Mr. Landreville:** One that would be actionable and likely to succeed in court. Is that what you mean?

**The Joint Chairman Senator Lang:** What I am trying to ascertain, Mr. Justice Landreville, is whether that option became a firm contract, in view of the conversation you had with Mr. Farris.

**Mr. Landreville:** My answer and my opinion is no, because there was still no consideration. In short I did not commit that to writing. It was verbal—in September or October.

**The Joint Chairman Mr. Laflamme:** We will have a recess of ten minutes.

(After recess)

• (4.45 p.m.)

**The Joint Chairman Senator Lang:** Gentlemen, I see we have a quorum. May we resume, please?

**Mr. Landreville:** Mr. Chairman, may I just amplify the last question put to me in the hallway? I was quite candid about it, and I discussed this with my two counsel and they disagree with me on the legal opinion that I have given. I did not consider it a legal obligation; it was an offer, an acceptance but lacked consideration at that moment. They say it is still a mutual offer and binding.

**The Joint Chairman Mr. Laflamme:** The offer, the option?

**Mr. Landreville:** When it was renewed in September; not the option, the option dropped. In other words, our conversation in September and October, "Will you take those shares?" "Yes". That conversation is in itself, in their opinion now, unfortunately—your own lawyers may agree or disagree—but in my opinion, and I have always taken this stand, it was not a legal obligation on which I would succeed in a law court, lacking consideration, an offer and an acceptance only.

**The Joint Chairman Senator Lang:** I think the importance attaches to how you regarded it—

**Mr. Landreville:** I regarded it as binding on me.

**Mr. Cashin:** Legally binding?

**Mr. Landreville:** No; morally, yes.

**Mr. Cashin:** You suggested that your counsel disagrees with you?

**Mr. Landreville:** My counsel disagrees with me. The say that I could have sued on that promise of Farris, and succeeded, if he had reneged on giving me the shares in February.

**Mr. Cashin:** If I may, Mr. Chairman, I would like to go back to a question that Mr. Goyer asked Mr. Justice Landreville. I may word it somewhat differently, but he asked you if you would have accepted an offer on July 20 if there was no consideration in that offer? In other words, if the letter from NONG was just: We are offering you x amount of shares at \$2.50 a share. It seemed to me from your reply that you were considering whether or not you would accept it in terms of the value of the shares. I am wondering what other considerations would go through your mind at that time, if any, in deciding whether or not you would accept an offer of that kind in which there was no consideration from you other than just if you wanted to buy it at \$2.50 a share.

**Mr. Landreville:** If I understand your question correctly, you say, if Farris had said to me in July—apart from everything else—"Do you want to buy 10,000 shares at \$2.50?" what my reply would have been? Well, I will tell you this: I had faith in that company, and I would likely have said, "I will inquire how the price was fixed first of all at \$2.50, and who fixed that. I will inquire, and I will let you know", but I would likely have bought in July at \$2.50 because I had faith, as I repeat.

**Mr. Cashin:** In other words your decision on whether or not to buy would have been based purely on the speculative, or the soundness of it as an investment.

**Mr. Landreville:** Yes.

**Mr. Cashin:** You would not have given any thought to the propriety of accepting favoured treatment from the company, as this offer did, in fact, amount to something that was not available to the general public?

**Mr. Landreville:** Are you dealing with ethics on my part as a mayor?

**Mr. Cashin:** Yes.

**Mr. Landreville:** Yes. At that time I knew the matter was completed in so far as the municipality was concerned. I can say that I would not have considered it improper for me to buy that stock at that time, knowing what I knew, that the dealings with NONG were through.

**Mr. Cashin:** Would you have thought that someone else, viewing the transaction from outside, would have regarded it as an impropriety, bearing in mind your civic position to have accepted preferred treatment from this company?

**Mr. Landreville:** No, I would not have considered it. You are talking about one's morals; but my morals did not come in conflict with my duties as mayor at all, and it was because of this friendship existing between Farris and I that he would give me this preferential treatment, and not because I was mayor. There was nothing to be hoped from that source. Do I answer your question?

**Mr. Cashin:** I could pursue this line of questioning a little further, I do not know if—

**Mr. Landreville:** Yes, go ahead.

**Mr. Cashin:** Then, I think it comes to the issue in my mind that therein you feel that someone else—if I may just follow this along—viewing this, or you viewing it, outside yourself, with a similar set of circumstances, would not have regarded it as an impropriety for a civic official in these circumstances to have accepted that preferred treatment? In view of all that has happened, and taking the whole set of circumstances from then until now, is there anything about it that suggests to you that in the minds of, say, a reasonable man, or other individuals viewing this, a question would arise that there had to be some reason for the favoured treatment to be given to you, and not to somebody else, and that the searching for the answer in somebody else's mind could, in fact, lead them to read more into the transaction than you, yourself, or the other person, in fact, knew was there.

**Mr. Landreville:** In short, you are hinting at whether it would give rise to suspicion.

**Mr. Cashin:** That is right.



**Mr. Landreville:** Yes. The question is—it can only be answered by facts—in so far as suspicion is concerned, I think Douglas Fisher in his article recently said, just an accusation raises a suspicion, and that suspicion becomes irremovable, indissoluble.

**Mr. Cashin:** Do you agree that in the accusation there was a circumstance which separated you from all other people in the areas being serviced by this company, or dealing with this company?

**Mr. Landreville:** Well, all I can say is, this was not that preferential treatment would be given to me because—but on the basis of friendship, and no other basis. I cannot explain it otherwise. The fact is though—in hindsight again—that 16,599 shares were not even picked up by those who had rights to buy them, so they must not have been so—

**The Joint Chairman Senator Lang:** Do you mean rights at this time, in July?

**Mr. Landreville:** In July.

**The Joint Chairman Senator Lang:** There was a rights offer in July, was there not?

**Mr. Landreville:** Yes, to all existing shareholders.

**Mr. Fortier:** Eighteen days.

**Mr. Landreville:** Eighteen days.

**Mr. Fortier:** You had 12 months.

**Mr. Landreville:** I had 12 months. Now, you may ask me why that is—I never discussed it with Farris specifically, but it is quite logical on the fact—gas was not to come to Sudbury for certainty, not before a year; the pipe line had not started out west. The matter was not financed.

**The Joint Chairman Mr. Laflamme:** Yes, but as far as July 20 is concerned, you had great confidence in the success of that company.

**Mr. Landreville:** I had confidence, yes, sir. I admit it. A lot of people had. The proof of it is that all the Americans ran to the stock market and that is what boosted up the price considerably.

**Mr. Fortier:** Actual shareholders got an option to exercise their rights which lapsed on August 7, some two weeks after it was given.

**Mr. Landreville:** Correct.

**Mr. Fortier:** You were not a shareholder, but you were given an option which was to last 12 months.

**Mr. Landreville:** True.

**Mr. Fortier:** This again underlines the preferential favoured treatment Mr. Cashin was talking about.

**Mr. Landreville:** Yes; well, when given to me of course, what Clark says and what Farris says is, that we thought Landreville would come with us the following year.

**Mr. Cashin:** You say preferential—

**Mr. Landreville:** Excuse me; let us not forget that this was done also. When we speak of July, this was subsequently done also with Tomlinson, Ralph Howard who became the Vice President and—

**Mr. Fortier:** They all worked for the company.

**Mr. Landreville:** They eventually did all work.

**Mr. Cashin:** I would like to take your back again. The point I am trying to get at is, are there different degrees of responsibility, different degrees of propriety? I have been questioning along the line of at the time you were still the Mayor of Sudbury. The other example of somebody receiving preferred treatment that I might give you is this: Suppose I had gone to Sudbury at that time, and was not involved in any way with the situation, and happened to meet somebody involved in the situation and struck up a friendship with him, it is possible that as a result of that friendship, I might have been made the same offer, or some other individual might have been made the same offer on the basis of friendship; again, a preferred treatment. That is one set of circumstances. The other is the case here, and you discussed the propriety, and your views on that. The third is, at the time when there was no consideration any more on the basis of the original consideration, and you were then a judge of the Supreme Court of Ontario, would you have felt that because of your position at that time there ought to be a greater degree of care taken, so that there would not be any suspicion aroused as to any preferred treatment, or any conduct that you might have thought might have been against you?

**Mr. Landreville:** My answer to that is no, because in the fall it was still a speculative



affair. I say and repeat, I committed myself to buy those shares. Farris said, "you can have them". I did not consider that an impropriety. In my opinion one becoming a judge must, of course, be careful of associations and not tie himself—if I were apt to sit on cases of NONG or be connected directly with NONG certainly as a judge, there might be some indication of impropriety.

**Senator Cook:** You said you were committed to buy the shares.

**Mr. Landreville:** I did, sir, yes. Morally?

**Senator Cook:** Yes. Therefore, from then on it is only a question of your paying for them.

**Mr. Landreville:** Yes.

**Senator Cook:** Why did you not ask for the extra \$3.50 when they were sold—2,500 shares were sold on February 12 at a price of around \$13.50. Why did you not ask for the balance of the purchase price?

**Mr. Landreville:** Well, why? Because I never found that out until McGraw testified and gave it in the Farris trial. I never knew the price was \$13, according to McGraw's own evidence. McGraw made \$3 on the shares, the 2,500 shares he took of the 10,000.

**Senator Cook:** Just as a matter of record, was it not public knowledge what those shares were being sold at, at that time in all the financial papers, unquoted securities?

**Mr. Landreville:** Sir, I may tell you that it was not public knowledge, not to me. I have yet to see any paper, writing or a listing from anyone.

**The Joint Chairman Mr. Laflamme:** Well, if it was not to your knowledge, why did you testify that you ordered the shares to be sold without knowing the price, their value?

**Mr. Landreville:** Well, I was told the shares were \$10 and I was quite happy to sell enough to pay what I owed.

**The Joint Chairman Mr. Laflamme:** Where did you get that information, that they were worth \$10?

**Mr. Landreville:** From the party who informed me, and I thought it was Continental.

**The Joint Chairman Mr. Laflamme:** But you are not sure.

**Mr. Landreville:** Now, let us deal with that aspect. I said that I had a strong impression

—bear with me for a moment. At page 1563, Mr. Joe Sedgewick is cross-examining McGraw, in Regina versus Farris, and he says:

Then, sir, I know how difficult it is to remember things after six or seven or eight years, but I may tell you it was Mr. Justice Landreville's impression, and very strong impression, that some time in late January or February of 1957, some one called him from your office in Vancouver saying the shares were there and did he want to sell 2,500 shares. I know you say you didn't call him, and he didn't say you did, but could someone else in your office have made such a call because I know you were anxious at that time to get stock. —A. I don't think anyone would do it without my knowledge.

Q. Might it have been done? There was a Mr. McPhail with you at that time—might he have made such a call to Mr. Justice Landreville saying, "do you want to sell 2,500 shares?"—A. I don't think so.

Q. You don't think so, but you aren't prepared to say it didn't happen.—A. No.

Q. Then, sir, may I take it that with Mr. Justice Landreville, with McLean, with Smith, with Graff and with Levy, and each of these people, when these shares came into your office some time in February, you set up an account in the name of each one.—A. Yes.

Q. I have seen one in the name of Landreville.—A. Yes.

Q. And from then on it would be their account.—A. Yes.

Q. And the disposition of those shares would be subject to their approval or direction.—A. That is right.

Now, Mr. Justice Wells here, in his charge to the jury, just comments.

He had previously said everything had been done under Farris's direction, and here you are saying that isn't true.

That is Justice Wells evaluation, and other parts relevant also.

**Mr. Fortier:** On the same point, of course, Mr. McGraw, before Commissioner Rand, at page 944, had this to say:

Now you are speaking of the telephone in January some time. Do you think that anybody in your office would call a man up in Sudbury and ask him if he wanted at that moment, to have some of his so-called shares sold, without notice to you?

The Witness: As I stated, sir, no.

The Commissioner: No, I know, but I have the inference, from what you said first, that that might happen. Now, do you think it might happen?

The Witness: Well, sir, I am not going to state that it couldn't happen, but to the best of my knowledge, it couldn't.

The Commissioner: You mean that physically it was possible?

The Witness: Anything might be possible.

The Commissioner: You had a man and you had a telephone?

The Witness: Yes.

The Commissioner: And you had a number?

The Witness: Yes.

The Commissioner: Do you go beyond that?

The Witness: No, sir.

**Senator Cook:** Would you mind reading the evidence where it records the price of the shares, the value of the shares in January had not been below \$13.

**Mr. Fortier:** Yes, I have that.

**Mr. Landreville:** May I quote in answer to you, Senator, this at page 1566.

Q. Then, in late January, 1957, I think the phrase has been used, the market in gas stocks exploded. A. Yes.

This is by McGraw.

Q. And shares rocketed from \$2 to \$10, \$11 and \$12? A. Correct.

Q. And I suppose nobody could ever have foreseen that in November, 1956?—A. Definitely not.

Q. It was purely fortuitous.—A. Yes.

That is part, and the same evidence is given in the other.

**Senator Cook:** The quote is correct.

**Mr. Fortier:** The value of the shares.

**Senator Cook:** Thank you.

**Mr. Fortier:** Mr. McGraw—this is not quite on the point, Senator, I am just coming across another series of questions and answers from McGraw, on page 915. This is a question put to Mr. McGraw who was head of Continental.

Q. When you disposed of these,—  
These 2,500 shares.

—on this ledger on the 12th of February, 1957, who told you or authorized you to dispose of them for ten dollars?

—A. Mr. Farris.

Q. Did you have any discussion with Mr. Justice Landreville at this time as to whether ten dollars was the proper price?—A. No, sir.

**Senator Cook:** Now, there is somewhere else where it says that the price was down at that time to \$13.50.

**Mr. Landreville:** Yes, there is some evidence of that.

**Senator Cook:** It had not got below \$13.

**Mr. Fortier:** At page 914:

Am I correct? That is certainly as of the 12th of February, 1957. The prices you were getting on the market were at least \$13 per share.

A. I would say between \$10 or \$12 a share.

**Mr. Landreville:** It is to be noted also that McGraw kept the difference.

**Mr. Fortier:** Yes.

**Mr. Landreville:** That it is quite clear. Commissioner Rand says from conclusive evidence that there was no brokerage fee charged. Well, if he made \$3 on 2,500 shares, that is \$7,500 that he made on me. Now, may I just quote you about what the evidence also was on page 1571, where Mr. Justice Wells is speaking on McGraw's cross-examination:

Now, on cross-examination it became clear that McGraw hadn't charged any commission and apparently it is a custom in the brokerage business that where a stock is unlisted, you do not charge any commission. What McGraw was doing was acting as a clearing house for other brokers, and wherever he could get this stock he would buy it on his own account and sell it for \$11, \$12 and \$13 making \$1, \$2 and \$3 every time he sold one share and that is where he was making his profit. There was nothing improper in that.

Said Mr. Justice Wells.

It was a way in which he could help finance Northern Ontario Natural Gas and it was a way he could make some money for himself.

So, I just wish to underline that there was evidence in this trial given that the custom is



that there is no brokerage fees charged; he was making his money that way.

**The Joint Chairman Mr. Laflamme:** To continue the line of questions put by Mr. Cashin, I think you must agree that according to the evidence concerning the sale of shares as mentioned by Senator Cook, you said at one point that you issued orders, you gave instructions but you do not say to whom you gave the instructions and you do not remember to whom you gave the instructions, but you called the office of Continental Investment Co., and gave orders to sell shares because you were told by someone whom you did not mention—that they were worth \$10 and that you issued instructions to sell 2,500 shares, that is \$25,000 worth, and yet you do not remember to whom you spoke, and were not aware of the actual value of these shares.

Do you not consider that on page 107 of the Rand Report, Judge Rand is not justified in stating that the opportunity was given you to dissipate the serious suspicions that persist and do you truly think that something can be added by you to the evidence you have already given us concerning this suspicion arising from the fact that a man of your experience and your knowledge clearly stated that at a given moment he sold shares, he issued instructions, but does not know to whom he sold shares, without knowing the true price of the shares and yet sold them for \$25,000. Could you perhaps, enlighten the Committee as to these facts and so remove what I think is a serious suspicion in regard to the question of secrecy to which Judge Rand refers and in which the whole matter is enveloped.

**Mr. Justice Landreville:** My reply is as follows: In regard to the facts you have quoted, first, I would like to elaborate and clarify the facts. I have always maintained that at the end of January or beginning of February I received a call, a long distance telephone call from Vancouver, and I was under the impression, at that time that it was the Continental Investment office that was calling me. I have already stated this.

**The Joint Chairman Mr. Laflamme:** I understand, but on this point in particular, does this not give rise to suspicion that a reasonable man would issue instructions to sell for \$25,000 worth of shares without remembering to whom these instructions were issued and the instructions were relayed?

**Mr. Justice Landreville:** I stated and I still state that I was under an impression; someone told me that the transaction was to be confirmed, I was expecting a letter to this effect and the letter that reached me on the 12th of February did not come out of thin air. I was waiting to get the notice and was expecting it some days before I received it. What do you want from me anyway?

**The Joint Chairman:** Go ahead, because this is a point I consider to be of prime importance.

**Mr. Justice Landreville:** Well, the evidence of McGraw is brought up against my evidence. Mr. Rand accepted the evidence of McGraw as being truthful evidence. From a viewpoint of credibility, I gave you Justice Welles' judgment, in the other case, which did not accept McGraw's evidence. All I can say is that this letter did not come out of thin air and I never said Farris had not given instructions to McGraw, probably Farris spoke to him of it. I do not quite remember, but I have the impression that there was a question of Continental Investment Co.

**The Joint Chairman:** But you seemed to remember quite well when you stated in evidence that it was not to Farris you gave instructions that the shares be sold.

**Mr. Justice Landreville:** I said it was not to Mr. Farris. I do not remember his evidence in this respect.

**The Joint Chairman Mr. Laflamme:** I want to refer to page 84 of the transcript of your evidence before the Ontario Securities Commission. The question was asked:

Q. Did you ever give anyone any instructions to sell 2,500 shares at \$10 to pay for the stock—

Your answer is this:

A. I am tempted to say, definitely, "Yes", simply because, out of logic, as I told you, I have a recollection of being told on the phone it was \$10 and if it were \$10 and I paid \$2.50, or was charged \$2.50, to me, I would think that would be a considerable margin of profit. To affirm to you, positively, I gave an order, that I recollect in my mind saying, This is a firm order—in other words, that I could blame someone for not carrying out an order, that I could not say.

The other question is this:

Q. It is not a question of blame but was there such an order placed and, if so, by whom?—A. An order to sell?



Q. 2,500 at \$10.—A. My best answer, and my best recollection, is I must have given that order because, to me, the margin of profit then would have been reasonable.

(Translation)

The reason I put these questions to you was solely to attempt to establish a fact which is the following: a few minutes ago, you spoke of suspicions and secrecy mentioned in the Rand Report, so I put the question to you again. In your own opinion, the fact that a man states that he gives instructions at a given moment, without knowing to whom he gives the instructions, that shares he sold, when he does not know the value of the shares to the exact dollar, issuing orders for the sale of the shares without knowing to whom the instructions are given, do you think this reasonable?

**Mr. Landreville:** I can only repeat the reply that I gave on page 84. I was giving evidence to the best of my knowledge and I again affirm that I do not remember whether McGraw's name was mentioned over the telephone but I am under the impression that the telephone call was made to me. Mr. Chairman, may I go on in English?

(English)

**The Joint Chairman Mr. Laflamme:** Yes, go ahead in English, please.

**Mr. Landreville:** I just want to point out this evidence was given in 1962 of events of 1957. I just would like to refer to page, for instance, 54 of my transcript that you have before you of the evidence before the Ontario Securities Commission.

I received a phone call from the Ontario Securities Commission asking me to go as a witness and I said "Yes, I would go and testify." Then they arranged for a subpoena to be sent to me, as a matter of form. I arrived there with a file containing the sales slip of my stock, the two letters of July—I already stated that. Those letters, said Mr. Bray, he had never seen before. I am the one who produced those. Then, Mr. Bray had in front of him my entire Mayor's file of Sudbury. They had searched the City Hall and had lifted all the documents plus minutes and what not. Just to show you gentlemen how much I knew at that time in 1962, at page 54—the way Mr. Grey was questioning me—a question at line 12:

Q. And there had been a public meeting held on June 7th?—A. That refreshes my memory that I had received a phone call saying that Trans-Canada itself hinged on this. How, I don't know, but it was very important.

Q. Do you recall from whom you received that phone call?—A. I would not dare to say who it was; that is, at this time, an impression comes to me that it was by an official, some important person. I cannot say if it was an Ottawa or Toronto official.

Q. You had been in communication with the Honourable C. D. Howe, had you not?—A. Yes, we had. Yes, that refreshes my memory, Mr. Chairman.

I just point this out as an example that in 1962 I had even forgotten that Mr. C. D. Howe had telephoned me. Mr. Bray had my file, then he produced the letters, the telegrams, and that refreshed my memory. I have no other explanation for that affair—who called McGraw. That is my strong impression that that stock did not come out of thin air; that Farris may have given the orders as well to McGraw. I have never denied that and, secondly, that McGraw's testimony in the *Regina vs. Farris* is very much under discussion by Mr. Justice Wells.

**Mr. Fortier:** In this letter of February 12, to yourself from McGraw, which appears at page 48 of the report, we note and I quote:

Some time ago, we were instructed by Mr. R. K. Farris to purchase for your account—

It goes on, and the second sentence starts:

We have as of this date sold 2,500 shares for your account—

Without any reference to on whose instructions these shares were sold. If, in fact, you had given McGraw instructions would we not have expected to see in McGraw's letter, "we have as of this date sold on your instructions 2,500 shares for your account"; in the same way that he says they were purchased on Farris' instructions.

**Mr. Landreville:** That may have been but have you seen the letter written to McLean on the same date, February 12.

**Mr. Fortier:** Yes.

**Mr. Landreville:** Mr. Fortier, do you remember the language of that letter?

**Mr. Fortier:** Yes; it is somewhat different. I recall that.

**Mr. Landreville:** "we have been instructed to send to you free"—free—is that not right?

**Mr. Fortier:** Yes; Mr. Robinette made a point of that.

**Mr. Landreville:** They are both written by McGraw on the same today—one to McLean and one to me. Why did not then Mr. McGraw use the same language to me and say that we have been instructed to send to you free 7,500 shares, as he did in McLean's case? That was what Mr. Robinette's point was.

**The Joint Chairman Mr. Laflamme:** Who was Mr. McLean?

**Mr. Landreville:** Mr. McLean was an employee of the company, of NONG.

**Senator Cook:** Would it not be rather extraordinary to be sending a Justice of the Supreme Court of Ontario some shares free?

**Mr. Landreville:** I do not know, sir. I cannot answer the question.

**Mr. Fortier:** You have underlined—

**Mr. Landreville:** I am not quibbling about the language they used; I am just pointing out here that this letter reflects the fact that 2,500 shares were sold. The only question is McGraw said that Farris told him to sell and I said I received a phone call to confirm it. Has anyone stopped to think that as a broker, Mr. McGraw, if he stood and that may be logized—

**The Joint Chairman Mr. Laflamme:** But you still gave orders to sell those shares.

**Mr. Landreville:** I gave an order to sell those shares for \$10.

**The Joint Chairman Mr. Laflamme:** In January?

**Mr. Landreville:** Or the beginning of February—some days before receiving the letter. Now, if Mr. McGraw as a broker ad quoted to me on the telephone the shares are worth \$10, and then he turns around and sells them for \$13 and keeps the surplus, it may be an interesting question to find out whether that is in conformity to brokers' rules. It may be questionable if McGraw had a motive in saying that he had nothing to do with it.

• (5.30 p.m.)

**Mr. Fortier:** Was it not around that time, that is the end of January 1957, that Mr. Farris sent a telegram, which was filed before the Rand Commission, from Vancouver to the offices of Northern Ontario in Toronto, which is reproduced at page 32 of the report, which reads as follows:

Please find whereabouts of Mr. Justice Landreville and advise so I can phone him. Regards.

signed "Ralph K. Farris". Is it not on that telegram that Commissioner Rand based his finding that—

**Mr. Landreville:** Likelihood of Farris contacting me to tell me about the gift.

**Mr. Fortier:** Yes.

**Mr. Landreville:** He inferred from that telegram. He asked me what that—if I did receive such phone call? I said I did not recall receiving a phone call, but I know that I was invited to go to New York the following month. Whether that had anything to do with it, if that phone call was about that, I do not recall. We must not lose sight also of the fact that while Continental sent me the letter of February 12, they asked me to sign a confirmation receipt slip and I signed it and I returned it with the letter, as shown on the letter of February 16.

**Senator Cook:** I just want to make one point that I had spoken before about the value of the shares. On page 37 of the Rand report it says:

The market at that time was very active; on February 12, shares were being sold at \$13.50 and before spring had passed they had reached the maximum of \$28.

Justice Rand must have had information to know that the shares were sold at \$13.50. I must be frank to say it seems extraordinary to me that a man of your knowledge and ability with 10,000 shares of this stock did not know that they were worth \$13.50 on February 12 when 2,500 of your shares were sold at \$10.

**Mr. Landreville:** Sir, I would like to be shown any listing, a quotation in the newspaper or anything. I had not seen anything and I did not know. And I may inform you that I have dabbled in real estate more than in stock, that is part of my evidence.



**Mr. McQuaid:** Is there anything in the transcript that would indicate where Justice Rand got this information that he puts in his report that the shares were worth this.

**Mr. Landreville:** I can quote you varying evidence in that respect from various trials. Some said it was \$12, \$13, where he got the \$13.50 I do not know exactly, I do not know exactly on whose evidence he based it.

**Mr. Fortier:** There was evidence of McGraw, Mr. McQuaid on that. At page 897 McGraw acknowledged that even on the 10th of January there were some sales at \$14.25.

**Mr. Landreville:** At page 932 also, Mr. Fortier. I think there is some evidence, Mr. Fortier, somewhere in answer to that question, where the price of that stock fluctuated from day to day. Whatever they could get for it; sometimes there would be \$2 difference.

**Mr. Fortier:** There were definitely sales at \$13 and \$13.50 in early February, 1957. McGraw testifies to that quite clearly.

**Mr. Landreville:** He said that at no time in February were the shares less than \$13. That is McGraw—

**Senator Langlois:** Mr Chairman, is it pertinent whether they made or did not make any money on the sale of the shares. I do not see the point. We are wasting our time on this score. If you make only \$3, well, what about it; it was not on trial.

**The Joint Chairman Senator Lang:** I think the question is probably directed toward whether that is consistent with a normal transaction between a broker and his client.

**Senator Langlois:** We are not passing judgment on the practice of brokerage.

**The Joint Chairman Mr. Laflamme:** I really appreciate the fact that it is irrelevant to assure us if McGraw made money out of the sale or not; it is not within our duty, I think.

**Mr. Landreville:** Except for this, Mr. Chairman, the Commissioner many times repeats that that is the sort of damning evidence against me, that no commission was charged by McGraw, and I think that it is very important to show where McGraw made his money.

**Mr. Fortier:** Unknown to you.

**Mr. Landreville:** Unknown to me.

**Mr. Fortier:** But Senator Cook's question was, how could have been unknown to you?

**Mr. Landreville:** Well, that comes back; how could I know, because it is unlisted stock and it fluctuated, and there is evidence that their brokerage—the stock was being dealt with in Vancouver; it was not dealt in every brokerage house throughout the province, throughout Canada.

**Mr. Cashin:** Mr. Chairman, I would like to go back again, if I may, because I seriously question whether we are really on the same wave length, the same degree of taking issue; that is between what Mr. Justice Landreville has been saying, particularly this afternoon, and some of the questions. I would like to ask this question: Do you regard yourself, in this position, under these circumstances, to be the same as an ordinary person who is accused of a wrongdoing? Perhaps if I may just finish that before we continue, because it seems to me as we go over this, we have agreed that there has been some special treatment, or some special consideration given to Your Lordship, and I asked the question earlier: Does this set of circumstances give rise to suspicions? Therefore, it seems to me that the issue before us is not the guilt or the innocence on charges of any criminal act; the issue is whether or not this transaction did give rise to suspicion because of the particular circumstances involved, and therefore we are not dealing with and trying to prove or not to prove the guilt or the innocence as to the reasons for the giving of the shares.

**Mr. Landreville:** Are you dealing with, in short, ethics, are you? Is that what you—

**Mr. Cashin:** In a sense, yes; that is what I am dealing with. It seems to me the onus is on Your Lordship at this time to remove that suspicion, and it is questionable, and in order to remove this suspicion it seems to me that you have to demonstrate that in fact what transpired was not a special treatment, because once the special treatment transpired, it gave rise to suspicion, and are we then to ask ourselves: is this a matter in issue? It certainly would not be in ordinary circumstances, with an ordinary individual, but because of the special position Your Lordship holds, then the issue, it seems, changes and it becomes: Was there suspicion?

**Mr. Landreville:** Let me—I have a plan of presentation and I got bogged down—it is on page 35—and those points really are well put, and I intend to answer them fully.



**Mr. Cashin:** That is why earlier when I was on this subject I indicated that I may not want to continue at this time, but it does seem to me that the real kernel that this committee is seized with is that very issue, whether or not there was a suspicion in the eyes of a reasonable man and if that is established, then it puts, in my view, a very strong onus on you—

**Mr. Landreville:** Let me answer, just in very few words, because I intend to come over this again. Mr. Rand, after analysing all the facts, finds that there is great suspicion of impropriety, that is on page 69; not 69, 91; but at page 69 he says that there are no facts, so we are entitled to ask ourselves: great suspicion of what? of impropriety; impropriety of what? Then we revert back to the question of whether my dealings with Farris were anything else but private deals between two men, as friends, or had any relationship with my office as mayor; and could anyone infer that I have used influence, I have acted in conflict, or anything, because of that friendship, so that we say suspicion: suspicion of what? impropriety; impropriety of what? and then we are against a blank wall. And that is what I am getting at.

I repeat that some people who—you say the ordinary man, will he not have some suspicion? Well, I answered this: Are you speaking of the informed person, or the misinformed person. If it is the informed person who knows the facts fully, I am willing to argue with him on facts, but if one says to me: I still have a suspicion, in spite of the fact there are no facts, well to that I can only raise my arms and say: I am powerless to remove that suspicion. Do you follow my trend of thought in that respect? Because I do not care; the newspapers have said time and time again. "Landreville made \$117,000 on shares in the same month he was mayor, the same time as the granting of the franchise". That is a blanket, nice statement, but the informed, as you are now, know that this was highly speculative stock, and that has never been underlined very strongly, and that is the type of uninformed opinion giving rise to suspicion.

**Mr. Cashin:** Is the relevancy of uninformed opinion perhaps a factor in asking questions? Perhaps the Committee will have time at a later date to deal with that.

**Mr. Landreville:** I would like to give an opinion on that, if I may.

**Mr. Cashin:** This is a question we have to deal with, that why I raised it now, because it is something that Your Lordship would like to comment on.

**Mr. Landreville:** I only wish to comment on this that Mr. Rand has accepted in the *Maclean's* article and an article from the *Toronto Star*; and he brings up the point apparently that leads me to believe that I should have sued *Maclean's* or I should have asked them for retraction. Well, there is on file as an exhibit, a letter, under the Libel and Slander Act, sent by Mr. Pepper, who was my solicitor at the time, to *Maclean's* of Notice of Suit; now should I have sued *Maclean's*? I want to assure you if you look at that exhibit of *Maclean's* article, saying that I had parties at my home; and that was questioned in the evidence.

• (5.45 p.m.)

There is no evidence of that, that I was talking of the advantages, and I was pushing through for the franchise. On the evidence, where is it, that I succeeded in spite of the opposition in getting the franchise through? Where is that evidence? I could not, as a judge—it is only my personal opinion, and it was the advice of my counsel, as well as my colleagues "Don't sue *Maclean's*. Should I have a case and appear in front of one of my colleagues?

**Mr. Cashin:** In other words, the fact you were a judge placed you in a different position from someone else vis-à-vis the *Maclean's* article. I mean if they said the same thing about Tommy Toe, who is the local bootlegger in some place or other—

**Mr. Landreville:** That is true. You see, let's be candid about this, gentlemen, you want to ask me and I have a whole series of notes, what efforts I have made. I want to deal with that right from the beginning. What should a judge do when he is attacked by newspapers libelling him? Must he enter an action? Must he start writing letters to the editors, to see you? I do not say this, let me make this quite clear, I do not pass this on all the newspapers, far from it. I take the *Globe and Mail* which I may single out as giving accurate reporting. I can give the *Hamilton Spectator*, marvelous editorials in my favour. The *Sudbury Star*, other editorials against me.

**The Joint Chairman Mr. Laflamme:** Yes, but before, I think that article of *Maclean's* was published in 1963, is that so?

**Mr. Landreville:** Yes, sir.

**The Joint Chairman Mr. Laflamme:** But in 1962, as reported at page 95 of the Rand report, you stated, yourself, Mr. Justice Landreville:

I am conscious of my position and I am conscious of the reflection on the Bench and I am conscious, as well, of the wide publicity given throughout the province where my wife receives phone calls from friends, long distance, saying, 'We are so sorry to hear about Leo but we do not believe it'. In other words, the general public has attempted, contrary to the rule of law, of taking a man to be guilty until he proves himself innocent.

I really think, Mr. Justice, that at that time in 1962, before the article of *Maclean's* magazine you realized yourself, as a judge, you were in a very difficult position.

**Mr. Landreville:** Well, Mr. Chairman, my answer to that is yes. Now, I will, if you want me, as I intend, to show you each step right from the inception. Do you want me to take you through them?

**The Joint Chairman Mr. Laflamme:** I just want to follow. This was your attitude as regards the post you were holding at the time in 1962, but then we had the Rand Commission. Do you really think or believe, Mr. Justice Landreville, that your testimony before Justice Rand is clear enough to clarify all the aspects of the transaction with Farris so that everyone could say, after reading your evidence before Mr. Justice Rand, that all suspicions have been cleared up?

**Mr. Landreville:** I think that after reading all the evidence that was adduced before Mr. Rand any reasonable, logical, fair-minded person would come to the conclusion that I have submitted to you up to now. What are we dealing with now? I do not want to get off the subject and I want to answer your questions. An attack on ethics—

**Senator Cook:** Of all the evidence given to Mr. Justice Rand there is no fresh or new evidence?

**Mr. Landreville:** There is evidence that was not adduced before Mr. Rand at all. The whole area of what I considered outside the terms of reference, that is the events which followed after I was a judge. We were concerned with the dealings, my dealings in Northern Ontario Natural Gas stock. Now, we did go, and Mr. Fortier can verify this, Mr. Rand did not question me on a multitude of

these affairs or, make an issue of the 58, why I did not go out to venture my evidence to the Ontario Securities Commission. I have answers to that, and there are reasons for it. What should I have done? If you will bear with me, gentlemen, my voice is getting tired but I would like to show you step by step, if you want to know. I think I have taken every possible step, save entering action in court, suing people or starting public debates or appearing on "This Hour Has Seven Days" where I was invited several times. I declined all publicity in that respect.

Now, I want to tell you, if you want to hear about this, what does a judge in my position do when attacked? I had colleagues around me to advise me. Should I go and start arguing with politicians in the provincial house, one taking sides against the other. Or the only thing a man in my position could do, and that was the advice given to me, which I followed, is to call on my administrative superiors. The first time my name appeared in the Toronto press I called the hon. Lionel Chevrier. I said they have taken my name in vain and because of my office I am seeking your help and assistance in protecting me. Then I went to the Attorney General from Ontario. Do you want to know the number of visits I paid there? I will show you the correspondence in which I asked Mr. Favreau—and he is most sympathetic, Mr. Favreau—away back in June of 1964: Will you please have an inquiry into this matter. I came back—may I elaborate on this?

**The Joint Chairman Mr. Laflamme:** Go ahead, yes.

**Mr. Landreville:** I have a letter right on file asking Mr. Favreau to appoint a commissioner to investigate this matter, to clear it once and for all. The province of Ontario—show me that big report of 1962, the big thick one—in 1962 ordered a new inquiry. There had been one in 1958 concerning NONG. This was the one in 1962. Now, I have a complete list and I can give you a breakdown of when my name was mentioned. Mr. Rand says my name was prevalently mentioned and I should have gone to the 1958 Ontario Securities Commission. I simply say that is not so. In 1958 the dispute in the provincial house was between opposing parties. There were three ministers, one had resigned and two others and that started the tempest. They had shared in NONG. Because the province of Ontario had passed a bill to lend \$30 million to NONG which they never did lend, that started the fuss. Then every member of the legislature



was under suspicion, according to this one member of the opposition. And, that started. Then they found out a prominent Conservative had shares. That added fuel to the fire and whereupon 1958 Securities Commission centred around this fact. How many members of parliament had shares in NONG and that was aimed at in that inquiry of 1958. True, the terms of reference of 1958 also mention municipal officials. If there had been any municipal corruption.

**Mr. Fortier:** Some of them volunteered to testify.

**Mr. Landreville:** That is wrong.

**Mr. Fortier:** The Mayor of Huntsville.

**Mr. Landreville:** Wrong. Because I received that from Mr. Grey, he said: Why did you not go to the Securities Commission and offer to testify in 1958 and 1959? So I said: Well,—He said the Mayor of Huntsville, Mr. Robert Lee who was mayor and I telephoned him and I have a memorandum of my conversation and we could bring him here. He never did go to the Securities Commission but he was asked. He was asked by one of the Ontario Securities Commissioners in his municipality if he had shares, that is true. But in 1958 they never inquired.

Now in 1962, the moment this started, gentlemen, you know under Section 24 of the Securities Commission Act, if one who testifies for the Securities Commission he is prevented from speaking. Read that section; I could not disclose to the public anywhere except in legal procedure and therefore here I was, could not defend myself. The moment the 1962 inquiry started, my name was prominently mentioned. I told you before my image has been impaired. Here from then on I kept going back to the Attorney General saying: "When are you going to release the famous Securities Report of 1962, so I can speak". You know, gentlemen, when I got it? By this letter from the Deputy Attorney General, November 25, 1966. This report of 1962 was the foundation on which four mayors were accused. So I take you back again to the events of 1964 when that erupted. I spoke to Mr. Favreau; I visited him and he felt very sympathetic. "I understand your problem." I said "You are my administrative superior, please appoint a commissioner and let us get this thing cleared up". I was absent in July and August and I get a telephone call in Mexico that I must return within 48 hours;

the province of Ontario have laid charges against me and three other mayors. So I came back and when I faced those charges in the fall—September or October of 1964, I testified and Magistrate Marck gave his judgment. What did I do after? What I claim on good advice was to go back to the Attorney General and say: "Look, this affair of these charges laid against me, I want to assure you that I have no grudge or spirit of revenge or anything. It is through; the thing is cleared up." You know what, show me the correspondence, Arthur—

**The Joint Chairman Mr. Laflamme:** Would you mind if we adjourned, Mr. Justice Landreville?

**Mr. Landreville:** May I just finish this point? After the preliminary hearing the Toronto papers were again after the Attorney General to bring an indictment against Landreville. So the Attorney General reviewed all the evidence and gave a press release which said: "If Mr. Justice Landreville had been charged in court he would have been acquitted. There is no evidence. It should be pointed out that had Mr. Justice Landreville elected trial before Magistrate Marck the charges against him would have been dismissed." This was October 24, 1964, by the Attorney General. The Attorney General was kind enough, because I spoke to him, I said "You know, I hope you have evidence against me and the other three mayors because you know what it is going to do to me in my public image as a judge of the Supreme Court." Well, he said: "We have to lay charges. We have to." He said: "You do not have to resign. And, I just quote you one paragraph, after the case was over, very kindly Mr. Wishart wrote to me saying: "You will recall our conversation before my decision was reached when I urged you not to resign if we should find it necessary to proceed against you." He felt he had done his duty and I had done mine. The matter was cleared up. So, did I stop there, gentlemen? No, I came right down to Mr. Favreau. Now, I am willing to tell you that was my next administrative superior. Mr. Favreau received me well. I gave him my judgment. I said: "Mr. Favreau"—this I related to Mr. Rand, as well—"this covers what one might call the criminality of things. But I am in a different class. There may be a question of ethics, proprieties or something else. Do you want to question me on it? If there is any doubt about



it I want you to appoint a commission now even though I have gone through a trial". So Mr. Favreau said: "Well, do you insist on one?" I said: "You know very well, if I have a commission in addition, my image is already damaged by that very trial in Sudbury. But the decision is up to you, Mr. Favreau." Mr. Favreau decided that there would be no commission. That was October 1964. Give me the Hansard beside you. I bring three proofs now. I am not complaining about Mr. Favreau; he dealt with me very fairly, very frankly but I believed him. I said: "Why did you not appoint a commissioner as I asked you in June instead of letting me be brought up in court in Sudbury and have a magistrate throw out the case for absence of total evidence?" So Mr. Favreau simply said: "Well, I will tell you, we were going to do something about it but Ontario did not advise us of what steps they were taking. The first thing I knew about it, I read in the newspapers that you were being prosecuted."

**Mr. Fortier:** You do not simply, surely, that the Ontario Attorney General had to get the approval of the federal Minister of Justice to lay charges?

**Mr. Landreville:** Not at all, but there was a dispute between the two of them as to who would rule on me. The one claimed—may I go on for a few minutes?

**The Joint Chairman Mr. Laflamme:** One minute.

**Mr. Landreville:** I will finish this point. The Attorney General of Ontario said what he did wrong, if anything, was when he was Mayor of Sudbury. So therefore he comes under our jurisdiction. Mr. Favreau's argument was: If he did anything wrong it was when he received the shares and he was then a judge, so he comes under our jurisdiction. The net result anyway was they proceeded with that. With Mr. Favreau I had three pieces of evidence to show. He told me to return to the bench; that the matter was closed and that was the end of it. In the House of Commons he said—

• (6.00 p.m.)

**The Joint Chairman Mr. Laflamme:** Mr. Justice Landreville, you do not need to elaborate on this since after that we had the Rand Commission and you appeared before the Rand Commission. But I want you to answer at eight o'clock the simple question I have asked you. In the light of your evidence given

before Mr. Justice Rand are you personally satisfied that you cleared up all the aspects of the transaction with Farris?

(Translation)

In other words, Sir, I think that what is important for us to establish is simply this. In the light of the evidence you have given before Judge Rand, are you satisfied that in regard to all points you have fully clarified all aspects of all situations that might have given rise to suspicions?

**Mr. Landreville:** Mr. Chairman, may I answer you to-night?

**The Joint Chairman Mr. Laflamme:** Certainly.

**Mr. Goyer:** I want to clarify one point relating to questions put by Mr. Bell this afternoon in regard to the expression "firm offer" in the letter of July 20, 1956. I refer to page 40 of Judge Rand's report, the third reply from the bottom—the middle of the third reply.

(English)

To affirm to you, positively, I gave an order, that I recollect in my mind saying, this is a firm order,—in other words, that I could blame someone for not carrying out an order, that I cannot say.

(Translation)

Are we to relate a "firm offer" to a "firm order" and give them the same significance? When one gives a "firm order" it means that "you can blame someone for not carrying out an order". Do you maintain the same definition as on Page 40, when you gave evidence before Judge Rand, do you keep to the same meaning or are you changing it to the meaning you gave it this afternoon in which a "firm offer" would be very vague.

**Mr. Landreville:** In other words, something positive and affirmative. My reply would be that "firm" means something definite, clear and positive. That is the definition of the word "firm".

(English)

**Mr. Fortier:** I wonder if I could clear up one point before we adjourn. You stressed again this afternoon, Mr. Justice Landreville, that you yourself produced before the Ontario Securities Commission in 1962 the letters of July 20 and July 30; that they had not prior to that time been filed before the commission. Correct?

**Mr. Landreville:** Yes.

**Mr. Fortier:** But on the other hand, they had your Mayor's file. Is that also a correct statement?

**Mr. Landreville:** Yes.

**Mr. Fortier:** Where did you keep those two letters?

**Mr. Landreville:** Well, I can only say that the letter of Farris of July 20 came to my home. It was addressed there.

**Mr. Fortier:** Correct.

**Mr. Landreville:** My answer, the duplicate copy of which I have here, and the initials of the secretary indicate to me that I dictated that at my law office.

**Mr. Fortier:** So you would have had a copy of the July 30 letter?

**Mr. Landreville:** Yes. So that the letter from NONG and my copy, the yellow copy, would be in a file in my law office. In the Mayor's office at the City Hall there were other documents which was a thick file by itself.

**Mr. Fortier:** But in 1962 you had been on the bench for close to six years.

**Mr. Landreville:** Yes.

**Mr. Fortier:** I ask you the question again. Where had you kept during those six years that letter of July 20?

**Mr. Landreville:** I came from Sudbury and I moved to Toronto. In clearing up my law office I took all the valuable papers or what I considered papers of value with me and I brought them to Toronto.

**Mr. Fortier:** You would have taken that letter from your law office in the fall of 1956 and moved it to Toronto. Is that correct?

**Mr. Landreville:** Yes.

**Mr. Fortier:** And where did you keep it in Toronto?

**Mr. Landreville:** At Osgoode Hall in my docket.

**Mr. Fortier:** Together with the copy of your July 30 reply?

**Mr. Landreville:** Yes, and I had also in that file the sales slip that I kept and that is what I brought over to the Securities Commission.

**The Joint Chairman Mr. Laflamme:** This meeting is adjourned until 8.00 o'clock pm.

## EVENING SITTING

**Thursday, March 9, 1967.**

• (8.15 p.m.)

**The Joint Chairman Mr. Laflamme:** Order, please, I see a quorum.

Perhaps we can proceed with Mr. Justice Landreville.

**Mr. Landreville:** Mr. Chairman, at recess you indicated to me, if I recall correctly, some questions pertaining to whether I felt that I had vindicated myself before Mr. Rand and presented all the evidence, or words to that effect. Is that correct Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** And I told you that after recess I would answer that question. I went before Mr. Rand strictly within the terms of the arrangement I had made with the Minister of Justice to deal with the facts, that is, an inquiry into the dealings of me in Northern Gas. I did not go—I think Mr. Fortier will bear that out—into the field of character, nor did I go into an analysis of the evidence that I gave on subsequent hearings, following that. There are a few questions here and there, but substantially we did not go into this, because, if it is necessary my counsel will discuss this with the committee's counsel to get Mr. Robinette here as to what our understanding of the scope of the inquiry was. So that when the Rand report came up, I must say, in answer to you, Senator, that I was shocked and surprised in this sense, that first of all in dealing with the facts they were not comprehensive. Then the analysis of my character was a surprise; and secondly, the review of what I had said in other inquiries—questions to which I had not been put, strictly—"why did you say this on this occasion, and why did you say a variation". I say to you, gentlemen, that on the entire evidence, for the seventh time, I have given variations; in essence, my testimony is the same.

I can give you several examples of this. At one stage I said I spoke to Farris between July 1 and July 15. Mr. Rand says I now said before him it was on July 17; that is true. I can explain this because from hearing to hearing I got new information and made new inquiries.



In so far as that is concerned, Mr. Chairman, I find that those areas I have not explored, nor I stand accused by Mr. Rand on the relation of certain evidence, which I was not questioned on, and received no notice before the report was made public. I continue with what I ended with this afternoon, by saying that what I did do after 1957, 1958, and 1959, when this matter became a public matter, I can justify, and say to you that I took all proper steps which I could properly, in my office, take.

I indicated to you this afternoon, for instance, that the Attorney General of Ontario had reviewed Magistrate Marck's letter of June 12—excuse me, had reviewed the evidence after the preliminary hearing, and I do not think that this has been filed before Commissioner Rand. I am not too sure whether it has. It is the release of the Attorney General of Ontario, dated October 24, 1964. May I be allowed to file this copy? It is a press release from the Attorney General which I swear to you is accurate.

In conclusion he said that:

After a thorough study of the NONG report three charges were laid under the Criminal Code. A full and complete hearing lasting six days took place in Sudbury. . . All the relevant evidence was presented. . .

The suggestion has been made that the Attorney General should now proceed to prefer a Bill of Indictment before a Grand Jury. This would amount to a repetition of the proceedings taken before the Magistrate. . .

Having taken the matter properly before the Court where it has been disposed of, no further action will be taken by the Attorney General.

Senator Fournier (de Lanaudière): I think the document should be filed.

**Mr. Fortier:** The Committee is not called upon to decide whether or not a criminal act was committed.

**Mr. Landreville:** No, but I am endeavouring to show to the Committee, the steps that I have taken, and in endeavour—I bore the, shall I say, ignominy of being brought into court, like three other ex-mayors. This report of the Ontario Securities Commission does show that there was no evidence on which to lay those charges.

**Mr. Fortier:** Do you imply by this, Mr. Justice Landreville, that as a judge, as a mem-

ber of the judiciary, if the Attorney General was of the opinion that an offence had been perpetrated, charges should not have been laid?

**Mr. Landreville:** Well, if the charges had not?

**Mr. Fortier:** If the Attorney General was of the opinion—

**Mr. Landreville:** Yes.

**Mr. Fortier:** —that an offence had been committed, that the charge should not have been made against you because you were a judge?

**Mr. Landreville:** Oh, no, quite to the contrary. I can disclose to you that in interview with the Attorney General, and Mr. William Common, who, incidentally is a bench, we discussed the matter. I said "look, this has been hanging fire now for two years", mind you it was in 1962, the Ontario Securities Commission, "and here we are in 1964, and I am still bombarded by allegations in the press. When are you going to release that report?" That report was not released. I said "if you have facts, it is your duty to lay charges against me, and against the other three mayors",

Now, this report which came out in November, 1966—and, I take it, it is a public document—which, for instance, I can quote just in the case of two other mayors, of Wanda Miller and Coates:

Unlike Orillia, there is no evidence of either of these individuals exerting any particular or unusual interest on either of their councils.

Likewise in the Sudbury case. They were charged, these three mayors, and they were all acquitted.

Now, I say, and I do not want to be misunderstood, there was no invecitiveness on the part of the Attorney General; I do say, though, that he was ill-advised by others. He was new in the office. I trusted that if he laid charges against me there would be some substance. I say here as well that I did not go to Sudbury to inquire from every alderman and controller what kind of evidence he had given before the Securities Commission; I did not approach one person. May I file this, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Yes.

It is suggested by Senator Fournier (de Lanaudière) that this document be a part of today's records as an appendix. Is it agreed?



**Some hon. Members:** Agreed.

**Mr. Fortier:** Now, Mr. Justice Landreville, if I may, you have just referred to what you termed "variations", and which in your mind you probably label as minor in nature, between your successive testimonies. I have asked myself a question, and I know some members of the Committee have also given it some thought, why in 1962, when you were subpoenaed before the Ontario Securities Commission, this being your first opportunity of clearing the air, so to speak, why at that time, you did not attempt to get all your files and papers together and present the complete picture; this being your first opportunity of clearing the air?

**Mr. Landreville:** Yes.

**Mr. Fortier:** And why it is only before Rand, four years later, that you completed the evidence which you had started to give in 1962?

**Mr. Landreville:** I can show you, right in this evidence, where and why, should I say, when I was prepared to meet before the Ontario Securities Commission. The securities act is a statute according to my interpretation, designed to control trading in stocks, and to see that the public is not harmed through any unlawful trading. I went before the Securities Commission armed with the thin file I told you of, and here he started questioning me, aiming at municipal corruption. There was a stop. I am going to show you where I said "well, I hope this is not the crimes commission". In the opinion of my counsel, and this still is my opinion today, the securities act should not be used as a means to find out if there are other offences under the Criminal Code. If there is unlawful trading, or anything pertaining to the securities act, very well. None the less, after consulting with my counsel, I decided to go along and give all the evidence. But I had no information. The night before, Mr. Fortier, in the evidence it showed that I telephoned Sudbury and asked the city clerk to send me copies of resolutions appearing in the minute book, as I had nothing. I was not prepared, definitely, to go into the municipal influence, or any venal offence. I was prepared to disclose stock, sales, and so forth.

**Mr. Fortier:** But you had been wanting to give the picture; you had been wanting to clarify matters which were discussed *sub*

*voce* in a number of circles. As I say, I just asked myself a question which I know is shared by other members of the Committee, as to why then you did not do the necessary research into your own files, and the files of the city council, which would have allowed you, once and for all, to give the true and complete picture?

**Mr. Landreville:** Well, first of all, let me assure you, I did not have the time nor opportunity to do this. Secondly, on phoning Sudbury, I found that they had taken all the files away. It came only to me, mind you—this affair—through a bank on Bay Street; that they had been over there checking into my personal account, to see if there had been so-called kick-backs out of the money I had received. They listed all my accounts, cheques, and everything. They were satisfied that all the money was deposited in my personal bank account, and all cheques issued from there were for my own family and myself.

**Mr. Fortier:** So you knew that the Securities Commission was looking at much more than just—

**Mr. Landreville:** Oh, yes, in October; yes I did. As a matter of fact, from that moment my lips were sealed, too, under section 24 of the securities act.

**The Joint Chairman Mr. Laflamme:** Section 24—

Section 24 which prohibits me; is that not right, Mr. Fortier?

**Mr. Fortier:** Oh, yes that is right.

**Mr. Landreville:** I was prohibited from making any public statement because the information came to me from the Securities Commission, and therefore I could have contravened a section of that securities act. I was not released from this secrecy until this report of November, except in public proceedings.

**Mr. Fortier:** So that if you had taken an action in libel, for example, against *Maclean's* or the *Toronto Star*, you would have been relieved from your—

**Mr. Landreville:** Yes.

**Mr. Fortier:** As Rand pointed out.

**Mr. Landreville:** Yes. Some may disagree with my view, but I had been advised, and it

was my own opinion, that as a judge I should not suing newspapers and magazines.

**Mr. Fortier:** The question which Mr. Cashin directed to you this afternoon on that very point, and which I do not think has been answered, was whether or not, in this particular instance, you considered that you, a quasi judge, were in a different situation from another human being. This is one instance, in other words, where you acknowledged that—

**Mr. Landreville:** Oh, I acknowledge that it is popular to attack a judge; it is most popular and makes beautiful headlines.

**Senator Fournier (de Lanaudière):** Not only a judge; you can take my word.

**Mr. Landreville:** But anybody in high office.

**Mr. McCleave:** Could I ask the judge one question?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. McCleave:** The Order in Council setting up the Rand Commission gives him two areas to inquire into; was this read by Mr. Robinette, or by Judge Landreville, or by both?

**Mr. Landreville:** This was read by Mr. Robinette, and shown to me.

**Mr. McCleave:** The second question; the only finding of the judge which might be considered arguable outside these specific terms is what he calls the witness' conduct into the various tribunals investigating this whole business. Is this what our witness complains about; that the judge went too far in dealing with his conduct in these inquiries?

**Mr. Landreville:** That is correct; that is one of the things. Secondly, the character description. One cannot survive being described in this way.

• (8.30 p.m.)

**The Joint Chairman Mr. Laflamme:** Would you say, Mr. Justice Landreville, that Justice Rand has reached his conclusions because of your character?

**Mr. Landreville:** He says so, and I wish to say that if he has considered our relationship and our character of importance because he said "personal relations are of importance"; I would like to refer you to page 69, in the middle of the page, Mr. Chairman.

**Mr. McCleave:** "To these considerations personal relations become significant".

**Mr. Landreville:** And then, let us read the top again. You remember, gentlemen, that is where I began two weeks ago. I said that on the facts, Mr. Rand found that there was no corrupt agreement. But he says what we have to look at is that it is a question of state of mind. Now, what was in the mind of Farris and what was in my mind? Now, to arrive at that he then says, I must look at these men's relations and their character and that is where he describes me. I must say that it is quite obvious Mr. Rand did not like me. I must say quite obviously though also that on the transcript there is not one witness who has given any evidence to justify the description made of me. Does that answer Mr. McCleave's question?

**Mr. Fortier:** But on the other hand, Mr. Justice Landreville, in assessing your conduct as a witness before him, which he does, at times in his report, was he not in fact doing what you as a judge at first instance have had to do innumerable times since the fall of 1956?

**Mr. Landreville:** Yes; but what I would do, being some ten years on the bench, I would say, "Now witness, I have that impression about your character, what do you say as to that?" In short, give the man an opportunity to answer. If he calls me greedy, I would say, "Well, I have got proof, I will call witnesses for that, Mr. Rand". If he calls me any other names, I bring in. He doubts my credibility, for instance. There is no doubt, my credibility is put in doubt by him. I say, how do you arrive at the credibility of a man, if you describe him as he has described me. No wonder—he should not have believed a word I said if I have that character, which I disclaim.

**Mr. Fortier:** Have you not ever doubted the credibility of witnesses who have appeared before you?

**Mr. Landreville:** Oh, yes, many times; but justifiably. I do not build up in my own mind an image of what that man might be, then doubt him. That is not the way to proceed judicially in analysing a person's testimony. Does that answer that point, Mr. Fortier?

Gentlemen, I was at the point this afternoon of telling you that I had returned to Mr. Favreau and the matter was completed in November and there were three items; a statement made in the house by Mr. Favreau; a press release; "I did not tell the judge that he ought not to go."



**The Joint Chairman Mr. Laflamme:** I would like to ask you at this point Mr. Justice; what are you adding in explaining what took place before the establishment of the Rand Commission? Is it really relevant to members of the Committee to reach a conclusion?

**Mr. Landreville:** Well, I only submit this: if my conduct prior to the Rand Commission had been one in which I did not seek assistance from my administrative superior, if I had been evading, hiding, I would say that that should reflect on and point towards possibly a suspicion beginning in '56.

**The Joint Chairman Mr. Laflamme:** Yes, but after those visits to either Mr. Favreau or to someone else there had been the Commission which is the Rand Commission, and you did testify before Justice Rand for more than two days and I did ask you that question at the adjournment at 6 o'clock if you are personally satisfied that all the points which could be considered still obscure had been cleared up by your testimony before Justice Rand?

**Mr. Landreville:** My answer to that is into my dealings in NONG stock, and we have eleven volumes, and I can say that I am satisfied with the transcript. It could be amplified like McGraw's testimony, for instance, but except for that, I am satisfied with the transcript, in my dealings of that stock in the summer and fall and relating to influence or corrupt act.

**The Joint Chairman Mr. Laflamme:** So what is the precise answer you had already given if you had given any one to justify your option of July 20, 1956? Was there any clear answer to the justification of receiving this option of July 20th, 1956.

**Mr. Landreville:** In the evidence of Mr. Clark which I have read, why that option was given to me, the evidence of Mr. Farris and my own evidence, and that is clear in the transcript.

**The Joint Chairman Mr. Laflamme:** And you are satisfied that your testimony clears up this situation and leaves no suspicion at all?

**Mr. Landreville:** I am satisfied that the purpose and the reason why this option was given to me is because in July '56 I was going to be attached to that company the following year. And there is no contradiction on the fact.

**The Joint Chairman Mr. Laflamme:** And when you did accept the option, the consideration at that time did not exist any more?

**Mr. Landreville:** When in the fall pursuant to our mutual commitment Mr. Farris and I, he said, "I will have those shares for you", that stood and I was satisfied that I would get them; I accepted his word. He could have reneged, in my opinion.

Mr. Chairman, may I go on relating some of the aspects of the report which were just brought up again?

**The Joint Chairman Senator Lang:** What disturbs me in that regard, Mr. Justice Landreville, is at that time Mr. Farris was an officer of NONG, I presume, was he not?

**Mr. Landreville:** He was the President.

**The Joint Chairman Senator Lang:** The President. I do not know conceivably how an officer of a company can make a commitment on behalf of the company to issue stock for which there is no consideration?

**Mr. Landreville:** Well, to give an option.—

**The Joint Chairman Senator Lang:** To give an option, of treasury stock.

**Mr. Landreville:** Yes. Well, in the evidence, I think, Mr. Fortier may correct me if I am wrong, it is quite clear that there was only Spencer Clark and Farris who were handling the whole works. They were actually the company. Is that right?

**Mr. Fortier:** Quite definitely.

**Mr. Landreville:** There was nobody else. They had their broker in New York, Leonard Dickson, who was starting to be interested. They were running the whole show.

**The Joint Chairman Senator Lang:** There were no other shareholders other than the two of them?

**Mr. Landreville:** Well, there were some shareholders but they consulted, looking at a distance, some in New York and —

**Mr. Fortier:** The shareholders at that time are listed on page 7.

**Mr. Landreville:** Yes. And you find there, I do not know who these people are, listed as of October '55. I see a few names that I recognize here at the bottom.

**Senator Fournier (de Lanaudière):** I see the names of two Fourniers there. May I point



that out. I do not know them and I do not think I am related.

**The Joint Chairman Mr. Laflamme:** There is nothing wrong, Senator, in that.

**Mr. Landreville:** I may comment of this list of—there is Charter Oil Co. Mr. Farris is the president of that company and he advised my wife. He said “you should get your husband to buy some of this stock”. I did, at \$2.90 and it came down to, I think, 90 cents and stayed there for quite a while, but I bought some of that stock with the money that I received from selling the NONG stock. I am still at a loss on that stock, incidentally.

Now, I am referring again—because that is the important page to me, gentlemen, I submit respectfully to you—to age 69, how the Commissioner approaches the question. He admits that there are no facts but he says it is “a state of mind” and I have no quarrel with him on one aspect, that is, that remove me as a judge of the Supreme Court that there should be an iron bound criminal case proven against me. I would never argue with that. I have stated to Commissioner Rand that in my opinion—and I will go this far—if the Magistrate Marck had found sufficient evidence to commit me to trial that would have meant that there is some evidence and, therefore, it is a question of weighing the evidence and then I can assure you I would not be here tonight. That is positive.

**Mr. Fortier:** On that same page 69, in the second paragraph, Commissioner Rand asks himself the question which I think was the main one that he had to answer,

whether what took place in relation to those facts has infringed any other law or has violated an essential requirement of that standard of conduct which is to be observed by a member of the Supreme Court of a province.

**Mr. Landreville:** Exactly. Now, we are going to deal with that. I would like to keep—that question was brought up this afternoon and I am very interested in dealing with the morality, as I have—

**The Joint Chairman Mr. Laflamme:** Mr. Justice Landreville, I do not want to interrupt you, but since we are on page 69 for the special purpose of trying to explain the statement of Justice Rand when he says,

Such a matter is a question of a state of mind;—

Did you not testify, I refer you to page 88 of the transcript of your testimony before the Ontario Securities Commission, when the question was asked—it is no. 6.

A. When the words “firm offer” are used, to me it means firm.

Q. The only other matter I would like to touch on, Mr. Justice Landreville, is the offer at \$2.50 a share. I think you will agree that is a special offer; it is not a special offer being made to the public at large.

A. You ask me retrospectively or do you ask me for my frame of mind at that time?

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** When Justice Rand says “It is a question of a state of mind”, did you not qualify yourself when saying:

You ask me retrospectively or do you ask me for my frame of mind at that time?

**Mr. Landreville:** Well, I am trying to grasp exactly what is meant. I take a state of mind, of course, as it is uncommunicated, the old saying goes, “The devil himself knows not what is in man’s mind”, and the point here is that even if Farris had the most evil thoughts, the most sinister thoughts, even if I had the most sinister thoughts, is one to be punished for acts or for thinking? And that is a fine distinction. If there has been any act done, then it can be related to a state of mind as having thought of that act but to convict in the abstract of thinking is foreign to our law.

Now, I just leave aside the question of the standard of conduct which is to be observed. And on that, I will be open for discussion later, if I may go on with—

**The Joint Chairman Mr. Laflamme:** I do think, Mr. Justice Landreville, that the main point which in the view of Justice Rand remains obscure is your explanations either of the circumstances of the reasons why you did receive the offer of July 20th and why you did receive later on the shares without any consideration at all? Would it be fair to say that this is what Justice Rand had to deal with?

**Mr. Landreville:** I will say this, that Justice Rand disregarded entirely the evidence of Mr. Clark as to why the option was given, the evidence of Mr. Farris and myself. He disregarded that and he came to the conclusion

that this is just a sham front that we have put. We gave a contractual appearance to a non-contractual matter, as he says.

**Mr. Fortier:** It seems to me that he disregarded it because when the option was taken up the consideration had disappeared.

**Mr. Landreville:** Yes that is true.

**Mr. Fortier:** So that he is quite justified in disregarding it.

• (8.45 p.m.)

**Mr. Landreville:** Yes; and that point or argument was made with Mr. Robinette—

**Mr. Fortier:** Yes.

**Mr. Landreville:** You recall that in the evidence.

**Mr. Fortier:** I thought it was going to get interesting.

**Mr. Landreville:** Mr. Robinette argued quite well the point with Mr. Rand but Mr. Rand would not accept that a man would keep his word, and he said he was not obliged to, and that is all there was to it.

**Mr. Fortier:** Because that is when the suspicion of impropriety—the way I see Rand's conclusions—appears, when you cannot fulfil your part of the bargain of going to work for the company.

**Mr. Landreville:** Well, there is a change there, of course, of status, you know that is admitted, and Mr. Farris explained that and we discussed it quite openly.

The question at page 70, it is all very well to leave it aside there but I would just like to draw to your attention, and make a note of this, at the top of page 70, it is said to be *obiter dicta*—you see, the part where:

In 1955-56, while the gas development was taking place he was a party in equal interest with a former partner, now a County Court Judge, in the sale of land in Sudbury, acquired by them in 1949 for \$173,000 and sold in 1956 for \$325,000. That he is not to be taken as an innocent in such dealings is demonstrated by language addressed to the Tax Appeal Board in the course of an appeal from a gift tax arising out of that sale;

Well, I just stop there. Gentlemen, Mr. Fortier may agree with me, there was not a word of that mentioned, about that deal before Mr. Rand. He went and found that himself. Had

he asked me, you made a lot of money on that deal. You say yourself you squeezed Kresge into buying it. Mr. Rand, had he looked at the evidence of that case, \$173,000, my partner and I bought, but he fails to say that the building was gutted by fire. It was practically a total destruction. Yet my partner and I rebuilt it, and then on this same tax case, about two years or three years before we sold it, the Tax Appeal Board assessed it at \$295,000 so that, in short, he wants to give the appearance there that we like to make big money fast. But it was not, and if you are interested in getting Judge Cooper, my partner in that respect, I am quite willing to bring him here, bring the books, explain that. It is a small item, true, but this builds up into what I consider—he stated that there could be no social gathering at his home—we discussed that before. Now, he makes a fact that “regrets shares already sold”. Well, gentlemen, I did send that telegram and that was a lie. I said that, and there was—that is page 70 at the bottom. I did send that telegram and I only can say to you that in that vein, I lie often. I might say a woman—she has a beautiful hat or advise my secretary to tell the other party I am not in, even advise others to lie but let anyone attack me on a matter of seriousness—a serious matter, that is a different thing.

**The Joint Chairman Mr. Laflamme:** And at page 71, Mr. Justice Landreville, when Justice Rand says:

There was also his statement to the Mounted Police that he had purchased the shares in NONG through a broker in Sudbury, an utterly false statement. Is this the kind of statement you were just referring to?

**Mr. Landreville:** Yes. Now, if you want me to deal with that—

**The Joint Chairman Mr. Laflamme:** I would really like because the questions at page 51—

**Mr. Landreville:** Yes.

**The Joint Chairman Mr. Laflamme:** —asked by the RCMP to you have never been answered.

**Mr. Landreville:** Yes, well—let us say that at the Rand Commission, Mr. Rand sort of blamed Mr. Robinette for not cross-examining Bates. You remember that, Mr. Fortier? And he said—why did you not cross-examine?



Robinette said, "well, when I meet a witness like that"—and in that vein he said it—"I prefer not to touch him." Well, Mr. Rand found fault with Mr. Robinette's court practice of cross-examination. Well, Mr. Robinette said: "That's my principles".

Well, let us get into this. I am going to try and summarize what happened.

**Mr. McCleave:** Well, just before you leave that—

**Mr. Landreville:** Yes.

**Mr. McCleave:** But Robinette cross-examined the other Mounted Police officer with regard to that point you just made. He said that he did not want to cross-examine one but he made his point by cross-examining the other.

**Mr. Landreville:** Yes.

**Mr. McCleave:** That is in the transcript.

**Mr. Landreville:** Yes. Yes, that is so, but he did not cross-examine fully on the items that I am—is that not right?

**Mr. McCleave:** Yes, I think that is right.

**Mr. Landreville:** Yes, it was rather a short cross-examination.

**Mr. Fortier:** He did not think that he could score.

**Mr. Landreville:** No. Now, let us deal with this point. I say to you, gentlemen, that—now I have been 30 years in law business and I consider, as a lawyer, then as a judge to be my obligation to co-operate fully with all government agencies and police. That goes without saying.

On this day of September 11, 1962, that is prior to the Ontario Securities Commission hearings, I received a letter, and it is Exhibit 131, from Sergeant Wonnacott. He is the commanding officer of the Toronto subdivision—they were dressed in civilian—he and a man by the name of Sergeant Bates, now retired from the Mounted Police—

**Mr. McCleave:** Excuse me, the other man was an Inspector, was he not, Judge? I think you called him a Sergeant, by it is Inspector Wonnacott.

**Mr. Landreville:** Well, I am not too sure. I may have picked that up wrongly but I have always called him Sergeant.

**Mr. Fortier:** Chief Superintendent of "O" Division, Ontario, R. W. Wonnacott.

**Mr. Landreville:** Wonnacott but—now, look at the statement, September 12, 1962, with Sergeant Bates met the Judge as planned—that is Mr. Wonnacott, so he is called Sergeant Bates. Oh, are you referring to Wonnacott, sir?

**Mr. McCleave:** Yes. I think you called him a Sergeant but he actually is—

**Mr. Landreville:** He is Commanding Officer—

**Mr. McCleave:** Yes.

**Mr. Landreville:** —in charge of Toronto Division. These men, therefore, wrote to me on the 10th of September and I gave instructions to my secretary to acknowledge by telephone the receipt of the letter and tell them I would gladly meet them the following day at their convenience. The time set was after court or around 4.30. Then these gentlemen arrived and the statement of Sergeant Wonnacott is there and the statement of—no, excuse me,—

**Mr. McCleave:** You de-promoted him again.

**Mr. Landreville:** —of Commanding Officer Wonnacott—correction—and Sergeant Bates—they arrived. Here is the statement of Wonnacott. I am going to read to you.

For the first five minutes or so the Judge talked about the tiring day he had in court and that the case would go on for four to seven weeks.

And then there is some glib talk about other things I explained to them, then he said:

I explained to His Lordship that our force in British Columbia had undertaken an investigation on instructions of the Attorney General of British Columbia and that certain documents and names of individuals had come into our possession. Sergeant Bates, who is stationed in Vancouver, B.C. and being the principal investigator, was instructed to interview the various persons who had come to our attention and since the Judge's name was amongst others he arrived in Toronto for that purpose.

That is, the purpose of B.C.

I explained that I thought it advisable to write to him requesting an interview. The Judge had my letter in front of him during this conversation. For record purposes my letter requesting an interview is quoted hereunder—



And I will just pass over the letter.

At this point the Judge showed some concern and rambled on about past discussions with some authorities and he said, "I suppose you want to see me about Northern Ontario Gas". Sergeant Bates replied, "yes, in a way." The Judge then mentioned that he was familiar with a number of people.

There was at this stage, gentlemen, I may tell you that neither Wonnacott nor Sergeant Bates were making notes, and I am going to relate to you just what my recollection is and the evidence I gave in this, as I have always given. I thought I received them affably and politely, and we rambled about loose discussions of various things. He was telling me things about British Columbia, and so forth.

Now, he said, after a while, "Would you mind if I question you about this letter". And he showed me the letter of February 12, 1957, from Continental Investments to me, and he said, "Did you receive this letter and did you receive those shares?" And I said, "Yes." Then he said "Here is the letter from you or receipt"—no—"from you to Continental acknowledging—is this your letter?" I said, "Yes". Then he showed me a third document which was a sort of receipt slip of some kind. He said, "Did you ever see this document?" To which I said, "No". And then, he said, "Well, just a minute." And he pulled out of his pocket a warning on a piece of paper. He said, "Excuse me, I do not know the Ontario warning." So he read the warning to me and I said, "Well, I see that I have been warned." That I must say, frankly, not only surprised me but annoyed me to a certain extent but that did not deter it. He is going to give me a warning, and I explained and it is stated by Wonnacott why I refused and there is a letter—my letter to them why. I got my dictaphone. I said, "You are not making any notes. I want you to have the straight facts so that I will not be misquoted or we will not misunderstand." I picked up my dictaphone, and it is dealt with there. He was sitting in front of me and he started. He said, "Do I need to repeat the questions I have asked you prior to the warning?" I said, "Oh, no, you do not need to repeat those questions." Now, what are they? And he started asking me another question and I bent over. I said, "Have you many questions?" "Oh, yes," he said, "quite a few." And that is in his statement as well. I had a sheet of paper this length.

Now, I had no file in front of me. That came out of a blue sky, so to speak, this visit. I did not know at that time that the government was re-opening the inquiry and nobody was making any notes. So I said, "Well, now, you understand Sergeant, I am anxious to co-operate with you and give you all the information you want, but you have prepared your questions, do allow me some time for the answers, and I will look up my files and I will likely have to telephone Sudbury and give you the information the best I could. And it was quite polite. He left, and he said he would bring in the questions the following morning, and I told him to leave them under my door. The net result was that the following day I went to court, City Hall, and I came to Osgoode Hall at about a quarter to five. Wonnacott verifies this. That is true. And when I arrived there and opened the door those questions were on the floor. What happened at noon—he was speaking to a colleague, a friend of mine and he said, "Well, I heard rumours that they were starting because of newspaper articles and talk, another inquiry into this". I telephoned the department of the Attorney General, asked the question, and I was told; "Well, we will answer you later." Presumably they wanted to have the authority before disclosing this. While they came back the second day, I did not look at those questions. I said to him—and Wonnacott's evidence is fairly clear on this—the judge indicated to us that he did not feel that he should give us any written answers to the questions, nor should he discuss this matter any further with us. We indicated that we appreciated his views." I gave him reasons why, so says Wonnacott", and thanked him for seeing us and gave some indication of leaving. The judge appeared quite disturbed at this point. I said to the sergeant"—this is Wonnacott: "Did you know that the Ontario Securities Commission were investigating this matter", and to which Wonnacott said: Bates answered, "Yes, I did".

• (9.00 p.m.)

Now, just shortly before that the telephone had rang and these two constables were there and it is related where I said: "Yes Bill", and he told me that the Attorney General had ordered a new inquiry into NONG. I told them quite clearly: "Do not be offended, gentlemen, I am going to give my evidence before the Securities Commission under oath and I will gather all my facts."

To show my good will, I then wrote a letter to the sergeant so that he could explain to his

principals why he did not get a statement from me. I want to point out to you that Sergeant Bates says here—and he is confused of all the items that we put; he made no notes, he wrote this report, Sergeant Bates, at 10.30 at night. I want to point out where the elements are confused. I do not accuse him of sheer dishonesty, but I say that Wonnacott said Sergeant Bates, said: "Yes, I did not know the inquiry was reopened" and Sergeant Bates said: "I did not know it as a fact." I want to tell you that I agree with Wonnacott and that is why I was annoyed.

**Senator Cook:** What difference does it make to the facts, that the inquiry was opened or was not opened?

**Mr. Landreville:** The main point being that I have little information about this entire matter but the thin file, I told you that I went to the Securities Commission. I did not want to give misleading, inaccurate facts, until I had a chance to go to Sudbury to the City Hall and look up the records.

**Mr. Fortier:** But they knew there was an investigation in British Columbia.

**Mr. Landreville:** He told me that I am here because of an investigation in British Columbia.

**The Joint Chairman Mr. Laflamme:** Now just one minute, in Exhibit 131 there is a report of the RCMP which says at the end of the first page:

At this point the judge showed some concern and rambled on about past discussions with some authorities and said, without any prompting from us, "I suppose you want to see me about Northern Ontario Gas."

**Mr. Landreville:** There was some discussion with Sergeant Bates that they were investigating—

**The Joint Chairman Mr. Laflamme:** You did know at the time the RCMP were in your office that there was an investigation going on.

**Mr. Landreville:** In B. C., that is British Columbia, yes because he told me that. It is right in the report. "I explained to His Lordship that our force in British Columbia had undertaken an investigation on instruction of the Attorney General of British Columbia." So I took it that this was a British Columbia affair. I was quite willing to give

any information with that, but when he gave me the warning, and then I found out there was an Ontario inquiry that—Now I just want to point out a few disparities. In the statement here of Sergeant Bates—as he then was—the question was that he said. "He stated that he had certainly exercised his influence to enable NONG to obtain the franchise from Sudbury and referred to the meeting called by the then A.G." Dana Porter, "who called several mayors of municipalities". Now a little further down he stated that he had held many conversations with the companies, NONG and Consumers' Gas, playing one against the other in an attempt to obtain the best deal possible for his community. Now, I say to you gentlemen simply that Consumers' Gas may have been named, but I certainly never nor is there any evidence anywhere that Consumers' ever entered the picture in Sudbury.

**Mr. Fortier:** Mr. Rand points out at page 52 with respect to this particular point:

(a circumstance which does not appear in any of the documents or evidence submitted to this Commission).

**Mr. Landreville:** That is true.

**Mr. Fortier:** But Mr. Rand dealt with it fairly.

**Mr. Landreville:** Oh, well, has to give some position, he cannot change everything around, no it is definitely there.

The only point is this, gentlemen, that in stating that he had certainly exercised his influence—well, in the transcript you will see that the next day Mr. Morrow, counsel for the Commission was very fair. He spoke to the Commissioner and he said: "I want to raise an objection to a press release that appeared in two newspapers in banner headlines, big title that I admitted using influence on my council and Mr. Morrow said that certainly it must not have been meant in that sense, as put down here, and that it was proper influence."

**Mr. Fortier:** So found also by Commissioner Rand at page 52.

**Mr. Landreville:** Oh, well, Mr. Rand was very anxious, he said oh no, no, there is no question of impropriety—

**Mr. Fortier:** Legitimate.

**Mr. Landreville:** —it is legitimate influence immediately and that was corrected. But Mr.



Robinette was saying to Mr. Rand: "If one alderman had said that I had influenced him in voting in favour of NONG, coupled with this evidence", Mr. Robinette argued with Mr. Rand that would constitute corroboration, and I could be found guilty. But fortunately as it turned out not one witness said there was any undue so this by itself fell.

I just want to mention—

**The Joint Chairman Mr. Laflamme:** Do you, Justice Landreville, consider your attitude towards the RCMP people in 1962 as a refusal to answer their questions?

**Mr. Landreville:** I considered my attitude to them definitely refusing to answer.

**The Joint Chairman Mr. Laflamme:** And what do you think of a judge who refuses to answer questions from any police department regarding a public and important matter?

**Mr. Landreville:** In the circumstances that I have given, I think that I was justified. I told them quite politely I was expected to testify before the Securities Commission and I would give my evidence there and acquire the information.

Now, as it turned out in the exhibits tabled those questions that Sergeant Bates was going to put to me, they are on file, they are on foolscap sheets of 12 questions only.

**Mr. Fortier:** There are 14.

**Mr. Landreville:** Fourteen are there? I stand corrected. In one of these reports it will show that, yes, Sergeant Bates said: "I have quite a number of questions." That is one account that says this. In fact he had a lot of questions, but when he had them typed out, left them underneath my door, they were resumed to 14 questions. I just want to point out, gentlemen, another little item which I said that Farris and I had been bitter enemies. Well, I have given my evidence many times and I have never been bitter enemies. We started off as strangers; why would I say such a thing? I think the Sergeant by mistaking the wrong adjective that we may have been fooled, that is true.

May I just say another comment in passing. Yes, "he replied that sometime in 1956, he placed an order through an investment agent in Sudbury for stock. I asked him for the name of this agent." Now, gentlemen, you recall my evidence and I think that is borne out by both constables; the thing they showed me was the letter of February 12, 1957, from

Continental saying "we have received instructions from Farris about these shares". And I think this is rather a confusing statement that was put here that I would have the audacity to say now: "I put the order through Sudbury" when he has already shown me the letter. It is right before me. Secondly, that "I asked for the name he replied that it would be in one of two different agencies and could not recall which one". Now, I just say this, that by coincidence there are only two brokers in Sudbury, one is Ross Knowles & Co. whose office window was across the street from my law office for years with big block letters. Mr. Ross on top of it is a schoolmate of mine from Dalhousie, and I would not know the name of Ross Knowles. And the other one is Draper Dobie & Co., the manager is a man by the name of Jessup who was a controller on my council and I would have the audacity to say I do not know the names of those companies in an endeavour to try and hide something. I do not ascribe that motive to be base.

**The Joint Chairman Mr. Laflamme:** It might be of no importance at all, but did you say it, that it was though a broker in Sudbury?

**Mr. Landreville:** I said that I had bought some stock from brokers in Sudbury, yes, I did.

**The Joint Chairman Mr. Laflamme:** Why did you say Sudbury when you did know that it was not in Sudbury?

**Mr. Landreville:** Oh, I am talking about other stocks, Mr. Chairman.

**The Joint Chairman Mr. Laflamme:** Oh, I see.

**Mr. Landreville:** I am talking about other stocks. I dealt with Ross Knowles in Sudbury and bought some stocks and then at Draper Dobie.

**The Joint Chairman Mr. Laflamme:** No, but you did answer that to the Mounted Police when they were inquiring regarding the NONG stock.

**Mr. Landreville:** He said (Bates) that I told him the following. "He replied that sometime in 1956, he placed an order through an investment agent in Sudbury for stock."

**The Joint Chairman Mr. Laflamme:** In answer to what question?

**Mr. Landreville:** "I then asked him when he placed his order for shares of NONG. He



replied he placed an order through an investment agent in Sudbury", and therefore stock.

**The Joint Chairman Mr. Laflamme:** Did you ever buy shares from NONG through a broker in Sudbury?

**Mr. Landreville:** Definitely not.

**The Joint Chairman Mr. Laflamme:** Definitely what?

**Mr. Landreville:** No. And in fact the first document he showed me is a letter dated February 12, from Continental on the instructions of Mr. Farris and so forth. I do not want, unless you want to question me on the statement of this. I can only say that I felt that I was somewhat deceived. If he had come to me quite forwardly and said: "There is going to be an Ontario Securities Commission hearing and we want to have some information from you," I would have assisted him, or would have told him: "Well, when is the hearing? I will appear there with counsel and will give information."

**Mr. Fortier:** It seems to me. Mr. Justice Landreville, that as you have just testified yourself, this is exactly what Bates said that there was an investigation in B.C., and there were questions which they wanted to ask you in connection with that investigation.

**Mr. Landreville:** I would like to know if there were any prosecutions in B.C. following that investigation.

**Mr. Fortier:** No; but is it not a fact that this is what Bates said, that there was an investigation in B.C.?

**Mr. Landreville:** Wonnacott said that there was an investigation in B.C., so I was quite willing to give him any information about B.C. But when he gives me the warning and then I find out there is going to be an Ontario Security Commission hearing—

**The Joint Chairman Mr. Laflamme:** What would be the difference between B.C. and Ontario?

**Mr. Landreville:** The difference would be quite different.

**The Joint Chairman Mr. Laflamme:** We are still in the country.

**Mr. Landreville:** That is true, but there is quite a difference between being a witness and being an accused person. I was not going—he was making no notes; that is very

important. I trust constables; I hear their evidence; that is part of my function.

• (9.15 p.m.)

**Mr. Fortier:** I think it should be pointed out to members of the Committee that the evidence is that Bates prepared his notes of those two interviews during the evening of each day the interviews were held; that Wonnacott himself prepared his statement of the two interviews only about a week later when he received your letter and that you yourself short of sending the letter which you did send to Mr. Wonnacott took no other notes. Would that be a fair statement?

**Mr. Landreville:** Did I make any other notes except that letter?

**Mr. Fortier:** Yes? No; that letter which you sent to Wonnacott. Wonnacott's notes were prepared after he received your letter?

**Mr. Landreville:** Yes.

**Mr. Fortier:** Which was a week after the interviews?

**Mr. Landreville:** Yes.

**Mr. Fortier:** Bates' notes, Exhibits 125 and 128 were prepared a few hours after his meeting with you.

**Mr. Landreville:** Let me put it this way.

**Mr. Fortier:** That is the evidence.

**Mr. Landreville:** Correct. There was a lot of loose talk there. Mr. Bates does not put the questions, the matters he was discussing with me; how these topics arose. He just made a statement at 10.30 and mind you, once again, I do not accuse him except of muddling up his report on facts.

Now, the thing that I particularly find a little bit stretched out by Mr. Justice Rand in his report, he said my natural curiosity would draw me to go and read the questions. Now, if that is an affair, we can look at Sergeant Wonnacott's when he says that they were waiting in the hallway for me. They were there at 4.30 and I arrive at 4.45. That is when I picked up those questions and I put them on the desk and we entered the discussion.

**The Joint Chairman Mr. Laflamme:** The day before they went to your office to see you and you did ask them to put the questions in writing. And to put them in the mailbox of your chambers?

**Mr. Landreville:** And they did so and I arrived. I went to court in the morning and I came back at quarter to five. That is when I saw it. I had not come back to my chambers. The papers were there. Gentlemen, I am willing to explore this but the only point of this is that I want to assure you that I would have given him all the answers he wanted if I had the answers which I did not know at the time. And if, furthermore, I did not know and had not been informed that the Ontario Securities Commission was going to be reopened. There is at page 75—I would like to draw your attention to an item there.

Information of that sort was not a matter of short memory especially in the presence in 1957-58 of rumors suggesting scandals and associating the Justice with them—

Now, give me that file. If you want to—I am looking at the file. It is a memorandum about events that took place in 1957-58. No, that is it, here.

Now, Mr. Rand say that my name was prominently mentioned in 1958. "Why did I not go to the Securities Commission. I failed in my duty and when it was quite well known." I have already told you, number one, that who was involved essentially was the so-called scandal in the provincial legislature. True, the terms of reference to the Ontario Securities Commission covered also municipalities. The Attorney General said if, —Frost said rather,—“if the municipalities want to set up their own probes or inquiries they can do so”. I tell you that my name was not mentioned in 1958. I have searched. Possibly someone can find it, but I could not. I have searched the debates of the provincial legislature at the time. I have searched the files of the *Toronto Star*. I inquired from one Ralph Hyman of the *Globe and Mail* as to when this so-called municipal corruption became a topic in the house. This was in 1959. The Ontario Securities Commission was held in May of 1958, and it was only in 1959 that I was named in the provincial house, at that time.

**Senator Cook:** What date?

**Mr. Landreville:** March, 1959, in the course of the debate, one member of parliament. Gentlemen, you say—it was too late of course to venture forth and appear on the scene. I consulted with others. This was a rather hot topic in the provincial legislature. I think that anybody who looks at the newspapers will realize that. I was advised that I would be

ill-advised to go and make declarations and take sides with one politician or the other. I was never asked—and this is noteworthy—by any government official, by any person in authority, in 1958, 1959, 1960, 1961, until 1962, if I had shares in Northern Ontario Gas.

Now, I would say that being the Mayor of the biggest municipality of northern Ontario it would be, if the government was interested in knowing, or the Securities Commission, by a simple phone call. I say to you under oath let anyone come and say that he telephoned me or wrote me a letter or inquired to find out if I had shares, and I will say “no”. Nobody can.

**Mr. Fortier:** Your name was mentioned in the legislature in 1959?

**Mr. Landreville:** My name was mentioned in 1959.

**Mr. Fortier:** 1959, yes.

**Mr. Landreville:** Yes. The inquiry was in 1958 and my name was mentioned at the time of the debate that took place when they tabled the 1958 report a year later.

**Mr. Fortier:** I presume you followed the sittings of the Ontario Securities Commission in 1958, did you?

**Mr. Landreville:** Not with close interest. I did look at the newspapers because here was a man whom I had some consideration for and the company as well. But the point they were aiming at was to find out if there were other cabinet ministers, other members.

**Mr. Fortier:** But, as a former mayor of Sudbury, Mr. Justice Landreville, in 1958, during the month of May, when you read in the newspapers the names of NONG and the names of Continental and the names of Farris and McGraw, did it not ring a bell so to speak?

**Mr. Landreville:** Yes, of course it did. It did ring this bell that they were going to try and find out who in the provincial house had more shares. But the accusation about “sweetened” came in 1959. A member of the legislature said: “Not only members in this house have had shares, the leader of the opposition and others, but I found out that the municipal officials of northern cities have all been sweetened up with stock.” Do you want the quote? That was said March 18, 1959.



**Senator Cook:** On page 81 of the Rand Commission Report at the bottom, your answer.

A. May I say that you do not read the newspapers enough because the *Sudbury Star* and the *Toronto Star* had, in that inquiry of 1958 or 1959, whenever it took place, had knowledge of my interest in Northern Ontario Gas; my picture was in the *Toronto Star* as being along with Kelly—Mr. Kelly, Mr. Fabbro, the succeeding mayor to me, and others.

**Mr. Landreville:** Yes sir, in 1959. I said 1958, or 1959 I was not sure.

**Senator Cook:** The inquiry was in 1958, was it not?

**Mr. Landreville:** Yes, but this statement here, if I read it correctly, I said: "in that inquiry of 1958 or 1959".

**Senator Cook:** Then you go on to say:

I would have hoped the Commission would have invited me, if they had read the *Toronto Star*, and asked me, have you any shares—

And so forth. In other words, that does not seem to bear out your saying now that your name was first mentioned in 1959.

**Mr. Landreville:** I was under that impression, sir, before the Securities Commission, that my name had been mentioned at that time. Now, I went to the provincial legislature and I got the report and I find that my name has not been mentioned until 1959.

**Senator Cook:** Yes sir but this refers to the *Sudbury Star* and the *Toronto Star*, not to the legislature, your name being mentioned in the papers.

**Mr. Landreville:** I have also made searches, senator, in that respect and I could not find anything in 1958 or 1959 until 1959.

**Senator Cook:** This answer on page 81 is wrong?

**Mr. Landreville:** This answer is inaccurate, sir, given before the Ontario Securities Commission. Yes?

**Mr. Fortier:** I still ask myself and voice out loud the question: When in May 1958, knowing the purport of the Ontario Securities Commission inquiry, you read, for example, of Farris' answer with respect to the disposition of 14,000 shares did you not then feel it

your duty, sir, to go before the Ontario Securities Commission and say—

**Mr. Landreville:** Mr. Fortier, let me make a correction. You are assuming that I knew that Farris was asked about that. I did not know.

**Mr. Fortier:** I just asked you the question, sir, whether or not you had followed the inquiry in the newspapers.

**Mr. Landreville:** No. The main thing, as I understood that inquiry, was aimed at two-fold. If there were members of parliament who had some stock in that line and secondly if the company had followed the securities act with respect to prospectus, and what not. It was found they had. I believe it is 50 shareholders you must have—be limited to—before putting out a prospectus. The net results is that I was busy with other things but I kept an eye on this. In November, when Farris and the company were fined, I wrote him a letter. But I did not think it was pointed at so-called municipal corruption.

**Mr. Fortier:** You did not think the fact you had received 10,000 shares shortly after you had stepped down as Mayor of Sudbury was a fact which may have been of interest to the Ontario Securities Commission?

**Mr. Landreville:** Well, I would think that if it is of interest to the Ontario Securities Commission they would inquire from the mayor of the biggest municipality. You look at the newspapers and the fuss that was being made. Frankly, I was advised, strongly advised; I followed that advice and my own judgment as well, not to go and meddle with it. I can show you what the Frost government attitude was taken that there was no municipal corruption of any kind and so forth and the opposition was arguing and I would have to take sides. Now, may I have a recess.

**The Joint Chairman Mr. Laflamme:** We will have a ten minute recess.

**Senator Fournier (de Lanaudière):** How late do you expect to sit?

**The Joint Chairman Mr. Laflamme:** Well, it is up to the members. I think it would be fair to adjourn at between 10 p.m. and 10.10 p.m. and resume tomorrow. Let us have a recess of ten minutes.

—Recess.

• (9.40 p.m.) After recess.

**The Joint Chairman Senator Lang:** May we resume, please, gentlemen.



**Mr. Landreville:** Gentlemen, I propose to just—I do not know how detailed I must go into the report; I was up around pages 81, 82, 83. There are some comments that may be made on the third paragraph, in the middle of the page.

The following communications are relevant to the close relations developed between Justice Landreville and Farris. They parallel the intensified support for the grant of franchise to NONG from April to July;...

I do not know if the Commissioner intended to infer from that—at page 83—what inference he wishes us to have from this. I was urging the passing of this franchise because of personal interest, and if so, if that is the inference—the facts should establish that that is not so. The reason we have for the urgency is quite well established. There is just a little further down:

The reference in the letter of August 1956 (undated) to the oral chastisement of the City Engineer Hennessy by the then Mayor is most significant;...

Well, we have the transcript, and Mr. Fortier will refresh his memory on this. Mr. Hennessy was asked if he was chastised by me. Well Mr. Hennessy said he did not remember. He said, surely we had disagreements, the mayor and I. And, Mr. Joe Fabbro, the mayor who succeeded me, said the hardest sessions he has ever had was with Mr. Hennessy. Mr. Hennessy, despite his name, as I have indicated, asked for my ideas, and with certain department heads all you have to do is express a wish, and they do it. But with the engineer, he was a bit of the strong will and that is, I think, agreed and reflected in the evidence.

On page 84—

**Senator Langlois:** Mr. Chairman, there is a reference to a letter of August, 1956. From whom was this letter? Who wrote this letter?

**Mr. Landreville:** That refers, I suppose, to the letter that I wrote to Farris, in which I say—it is on page 84 at the top:

You should have heard what I told Hennessy—about his meddling!

**Senator Langlois:** Thank you.

**Mr. Landreville:** That is an undated letter. I cannot say why now.

• (9.45 p.m.)

I think the counsel for the Commission has been exceedingly fair, when he opened up

two weeks ago, and pointed—drew your attention to the letter at the bottom of page 84, as compared to the one at the top of 85, in which the Commissioner has seen fit to underline the word “privately”. The original was not underlined; it was just put between quotes. One might say in what frame of mind then the Commissioner approached the analysis of this correspondence. He could have also underlined my own letter when I say “I will not be able to publicly appear with you.” Please do not criticise my sense of humour. It may be a false sense of humour, that is true. But, at the time, little did I know that eventually Farris would end up by being an ex-convict; otherwise I would certainly not have written that.

The other letters are personal letters which were taken from Mr. Farris’ file in Vancouver, and they only point out the friendship that we had. And that lends, as an argument, support, in my view, to why also Farris, in the fall, allowed me to continue to expect the shares.

At page 86, there is a frequent but not too subtle diversion of topic:

whenever dangerous lines of inquiry are indicated

That is the fourth line. Well, that is within the Commissioners discretion. I might say if you find that there are facts to verify this, I say that I did no certainly do it intentionally. My intentions should have been brought immediately, and say “now you are getting off the point.” He says:

—indignant emphasis on the unimportant—

Well, I do not know what respect he means there.

Sergeant Bates, he said:

—as in the account by Sergeant Bates of the order of giving the warning,—

Well, to me that may be of significance—it may be to you. Because he first started off by asking me questions; this gave me the warning, after three or four questions.

the obvious attempts to dissociate Farris from personnel connection with the share acquisition—

Well, here again, gentlemen, is a sentence or phrase which seems to lend support to the—what the Commissioner had in mind, is that there was something unholy and illegitimate and sinister in the association between Farris and myself. And, we will see further on where he is of the opinion that I protected Farris—was out to protect Farris, just as Farris had been out to protect me.

**An hon. Member:** Same paragraph.

**Mr. Landreville:** Is it.

**Mr. McCleave:** In connection with the original 2,500 shares that were sold, Judge Landreville, the market price that day, so I understand, was \$13.50, but they were sold for \$10,000. Did that not mean that the difference of over \$7,500 actually found itself into Farris' hands, because I understand the difference was either credited to his account, or credited to Convesto. So this was quite a gift back.

**Mr. Landreville:** No. The answer, Mr. McCleave, I think Mr. Fortier will agree—the facts, quite conclusively, and we have read parts of it, it may have been during your absence, showing that it was McGraw who profited. McGraw's house, Continental, made that money. And that is where it made its money—not on commissions.

**Mr. McCleave:** Well, then perhaps you could answer this: Why was it sold at \$10.00 rather than at the market price that particular day?

**Mr. Landreville:** Well, I wish I could answer that. Except that I was told it was \$10. and I accept that, and that is my strong verdict, and I consider it from \$2.50 to \$10. quite happy to liquidate the debt that I had, and the account is there to show it, in my name. They made the \$3.00 or \$3.50 at Continental. I am touching—I was at this point touching on the question of association between Farris and myself, and I would like to read to you an excerpt of the Crown Attorney McCullough in the *Regina vs. Farris* case. And, there the Crown Attorney's took a very definite stand as to the value of my evidence. He said, in short, that it was my evidence that corroborated Bates' and McGraw's evidence, in short, to convict Farris. That was the opinion of the Crown Attorney I will quote it to you. At page 1161, his Lordship asks Mr. McCullough:

Q. What of Landreville's evidence do you say is corroborative—A. The whole evidence of Mr. Justice Landreville.

That was argued at that trial that it was my evidence that convicted Farris. I just mentioned that in answer to the Commissioner's suggestion that I was out to protect Farris I produced the letters, these are the very letters that convicted Farris, in the opinion of Mr. McCullough, anyway. That is what he was founding his case of perjury on.

I have already gone, gentlemen, on page 87, to the:

His oft-proclaimed desire to "set the record straight" has been barren of performance.

In that respect, I can just refresh your memory. The preliminary hearing is over in Sudbury, I see, the Minister of Justice, and the thing is quiet. So Mr. Rand, in this commission says: "Well, you went back to the bench," and I said: "Yes, I returned, and everything—was well received. The lawyers were courteous". No, I was sensitive to this, whether lawyers would ask for adjournments under one guise or another, not to appear before me; or the public, and I gave my oath that my information, and my observations, during close to 13 months, was that I was well received again on the bench by all the members of the bar. And there were no grounds for the suspicion. I would indeed have been embarrassed if somebody had got up in court and said some disparaging remark towards me. But, never one word has been said, and I have continued in the performance of my function, with the Minister Justice's instruction, with his letter to me that I return to the bench, from November. Then, what opened it up again was the Law Society Report. If the Law Society Report had not come out, gentlemen, I am sure that you and I would not be here tonight. Mr. Rand sort of said: "Oh, that is what brought it up again."

Now, I say, to set the record straight—then I will speak a few words about the Law Society Report later, but we are at page 88. I do not know if there are any things of importance where the Commissioner has stretched out. At page 89, there may be something there. He says to me, that is at the present commission before Mr. Rand, in the middle, a little lower than the middle:

Well, I am under the impression that I gave instructions to sell.

Q. You see, I think your memory is playing you false. It strikes me that, in effect, what Mr. Farris did tell you was what the Board of Directors had done five days before in New York?—A. Sir, if you accuse me of having a false memory on that score, I will bow to your opinion.

Q. I am suggesting that that is the most likely.—A. It may very well be.

Now, nothing is so cold as a transcript, and I can only give you at that stage, in line with the other questions—if you read all that ser-



ies of questions that the Commissioner was pressing me to say that it was Farris. He was. I repeated many times that it was not Farris. Well, he was getting annoyed, and I am not going to pass any comment on the Commissioner's attitude towards me and his tone of voice, except to say that that is textual and I did say that.

Now, with respect to the other affair at the bottom, I do not know that much importance can be attached to it. On page 90, there again, he refers to the message; that I keep saying: "my impression received a message". He says:

Loyalty here to Farris became disloyalty to the Law and Courts of his province.

Gentlemen, that is about the end of that first part. And with that I take issue, because at all times I have given the best evidence, and certainly I could have started right with my Ontario Securities Commission here first, and followed all the different hearings and keep repeating. I think that I may have submitted there contempt of court, more so by rereading all the evidence, and disregarding new information that came to me. And there have been variations: that I admit. But not out of loyalty to Farris, nor disloyalty to any court, I gave at all times the best evidence I could.

Gentlemen, we are at page 91, and we have already analysed that part. In the last paragraph, he says about a gift:

such a gift with such a background is a member of the highest Court (of a province) is that an act or dealing beyond coercive control? What it tends to do is to shackle the independence of the recipient;—

Well, I can only answer that that is the Commissioner's view. But I never felt shackled, and in fact, I never did any act; nor is there anywhere in the evidence to show that I have favoured this company by any outward acts. He said, the observations—at the bottom of page 91—in my letter of September 19 are relevant. I say:

"An all-inspiring unapproachable, staid class of people"; his concern for the future—

**The Joint Chairman Mr. Laflamme:** Mr. McCleave, would you mind staying until the adjournment, because we will not have a quorum if you leave.

**Mr. McCleave:** I am sorry.

**An hon. Member:** We want to adjourn now.

**Mr. Landreville:** I am just going into a new phase anyway, you might want to adjourn.

**The Joint Chairman Senator Lang:** No, we have to go on.

(Translation)

**The Joint Chairman Mr. Laflamme:** Mr. Goyer?

• (10.00 p.m.)

**Mr. Goyer:** Mr. Chairman, I do not want to prevent Judge Landreville from commenting on Judge Rand's report but I do not think we are here to correct or comment Judge Rand's report. In fact, what we want to hear are new facts or the comments of new witnesses in regard to the letter of the 20th of July, in which a firm offer was made to Mayor Landreville. A firm offer, to my mind is an unconditional offer. The only condition being that the option must be taken up or not within a limited period of time but a firm offer is not bound up with any other fact, such as in the case that concerns us, to the fact that Mr. Landreville was discussing with the company whether he would join the company or not, or would offer his professional services to the company. A firm offer is unconditional, so someone may exercise his right of option or not independantly of any other condition. This firm offer was made by Mr. Farris, there is proof of this and Judge Landreville agrees that Mr. Farris was the responsible officer of the company and could make the decisions in regard to the company's policy, so he was able to make this firm offer on the 20th of July, 1956. Th's firm offer made by a responsible official of the company to a mayor, whereas municipal regulations had been adopted that would favour the company. And this firm offer made by a responsible officer to a person who was accepted by a person who later became a Judge.

These, I feel, are the basic elements to which we must limit our debates. If we go beyond this set of circumstances we are wasting time. Certain things may seem rather unpleasant for Judge Landreville, but we are not here to correct Judge Rand's report. We are here to decide regarding these four elements and if we continue along these lines we are going to read from 91 to the end of the report and then, we will be confronted with other evidence which will bear on elements that have nothing whatsoever to do with our work. I therefore trust that we will keep to the crux of this problem, because we are presently getting nowhere.



**The Joint Chairman Mr. Laflamme:** Mr. Goyer, before we adjourn, I shall express an opinion and I also speak for my Co-Chairman. The reading of what we have already before us certainly does not get us far. The essential facts in the evidence we have before us must be supported or modified by additional evidence, if there be additional evidence. Senator Lang and I have expressed these views a number of times here. Insofar as we are concerned we are in the hands of the Committee regarding the precise manner in which we shall proceed.

I feel, however, that even if Judge Landreville does not add new facts in his comments on the evidence he has already given, he may give us some explanations, explain certain attitudes or certain events. This is the wish that was expressed last week by the majority of members of this Committee, that Judge Landreville should be allowed to go through the report and express his views.

Obviously, the members of the Committee will have to decide whether the comments made before us by Judge Landreville, since he is involved, add to or in any way modify the Rand Report. That will be a matter for consideration by the members of the Committee during their deliberations.

**Mr. Goyer:** The fact remains, Mr. Chairman, that if we continue to accept evidence which is not directly related to the points that we have to decide, it seems to me we are wasting time. That a person be allowed to correct certain points for a certain period of time in regard to unpleasant matters that may be found in Justice Rand's report, obviously, this is acceptable but if this practice is abused, it is no longer decent.

**The Joint Chairman Mr. Laflamme:** Senator Langlois?

**Senator Langlois:** In that regard, I must support Mr. Goyer. However, we must not go to another excess in cross-questioning Judge Landreville in regard to questions which have no relevance to the question we have to discuss and decide. We would not want to leave ourselves open to criticism in this respect. It would perhaps be wise, that in our cross-questioning we should keep to the questions at issue as Mr. Goyer indicated, and I am in complete agreement with him.

For instance, the behaviour of Justice Landreville with regard to the RCMP, before the Securities Commission, is not a matter that we are particularly concerned with, but we want to know how it was that he came to

take the steps he did, what happened afterward does not involve us, it is not pertinent to our enquiry.

**The Joint Chairman Mr. Laflamme:** Clearly, your suggestions are extremely interesting and most relevant. One matter is certain, however, that the members of the Committee must give Justice Landreville a chance, an opportunity, as he has had during all the sittings of this Committee when we have heard him, to add additional evidence, to add elements of evidence that may change the facts. In regard to one question already put, whether the replies to questions already put in the evidence we have before us would be the same today. I think without misquoting you, Mr. Justice, your reply was yes, if the same questions were put today you would give the same replies.

**Mr. Justice Landreville:** To what transcript do you refer?

**The Joint Chairman Mr. Laflamme:** Well to the transcript of the evidence before the Commission of Inquiry and the Securities Commission and the transcript of evidence given before Justice Rand himself.

**Mr. Justice Landreville:** Yes, with regard to the facts, I agree.

**The Joint Chairman Mr. Laflamme:** In regard to the essential facts.

**Mr. Justice Landreville:** Thank you, Mr. Chairman, for your comments. May I merely add that I am coming almost to the end of my remarks, because we are now at page 107 where there are three questions of principle—

*(English)*

And, therefore, Mr. Chairman—

**The Joint Chairman Mr. Laflamme:** Yes, but come to page 91, after page 107—do you have anything to correct or to adduce, or do you just want to comment on the statements?

**Mr. Landreville:** There are comments, if you will allow me.

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** I was going to hope for adjournment tonight or as soon as possible, so that I could review these and cut them down so as to get to those three reasons and deal, as the hon. member has indicated, with the heart of the question. I propose, if you will allow, me, Mr. Chairman, to give you just a brief resume of the code of ethics, as I think that

may come into play, because Mr. Rand discusses it, and morality what acts can be considered improper. That would be along the lines that you brought up, because we will then go into that field. I am quite open, but I would like you to know my views before your deliberations, if you will allow me.

**The Joint Chairman Mr. Laflamme:** Yes.

**Senator Langlois:** Mr. Chairman, I would like to say to Mr. Justice Landreville that we are not pressing him to end his testimony. We are just trying to indicate the points which we think are relevant. That is all. We are not pressing him to end it. We want you to have your say and bring up any new evidence you can. We are looking forward to it. We do not want to curtail you in any way. We want you to be sure of that, sir.

**The Joint Chairman Mr. Laflamme:** It is not a question of curtailing, but it is a question pursuing—

**Senator Langlois:** Yes, but he said he was being pressed for time.

**Mr. Landreville:** The present date—it is the first time tonight that I have been—it has been indicated by the member, just what is the heart of the question. That is what we are going to be bothered with and to study—well, all right, I will get at the heart, but I asked on my first appearance before the Committee, what am I accused of? Well, now, if I had been told, we suspect this or suspect that, then I would have had something to go on.

**The Joint Chairman Mr. Laflamme:** You were told at the first meeting that you were not accused of anything.

**Mr. Landreville:** That is my problem. I do not know what to answer.

**Mr. Cashin:** Again the point is, as we mentioned earlier today, that in a criminal sense, there is no accusation, but surely—

**An hon. Member:** No, no criminal accusation.

**Mr. Cashin:** —the matter about which we exchanged views this afternoon, about what constitutes an impropriety, whether in fact the action of His Lordship at the time in question was an impropriety of such an order as to warrant the conclusions which Mr. Justice Rand came to.

**Mr. Landreville:** Yes, I am quite—I will not say able, but actually willing to discuss that.

**Senator Cook:** Do I understand that we will now start in page 107, is that correct?

**Mr. Landreville:** Well, I was going to make just a few brief comments, Senator, over the following pages, but they are very brief because we are going into an analysis of historic cases in there, and I will not deal with that at all.

**The Joint Chairman Mr. Laflamme:** We have a sent notices that we will have a meeting tomorrow at 11.30 a.m. We will meet here—

**An hon. Member:** Will we meet in the same room?

**The Joint Chairman Mr. Laflamme:** We will meet here in this room at 11.30 tomorrow morning. Now, I think, as it is 15 minutes past ten, we will adjourn until tomorrow.



## APPENDIX "D"

This accused is charged that he Leo Albert Landreville within two years prior to the 1st of February 1957, being a municipal official did offer, or agree to accept from a person, a benefit, being stock in Northern Ontario Natural Gas Company Limited, as consideration to aid in procuring the adoption of a measure, motion or resolution of the Corporation of the City of Sudbury, providing for a franchise agreement between the said Corporation and Northern Ontario Natural Gas Company Limited in 1956 contrary to the provisions of Section 104(1)(b) and (e) of the Criminal Code, and further:

That Leo Albert Landreville did within two years prior to the 1st of February 1957, being a municipal official, did offer or agree to accept from a person, a benefit, being stock in Northern Ontario Natural Gas Company Limited, as consideration to perform an official act, the signing of an agreement for a franchise between Northern Ontario Natural Gas Company Limited and the City of Sudbury in July 1956, contrary to the provisions of Section 104(1)(b) and (f) of the Criminal Code, and further:

That Leo Albert Landreville and Ralph Keirstead Farris, at the City of Sudbury, within two years prior to the 1st of February 1957, did conspire with each other to commit indictable offences, for Leo Albert Landreville, municipal official of the said City of Sudbury, to offer or agree to accept, and Ralph Keirstead Farris to offer or agree to give or offer, a benefit, being stock in Northern Ontario Natural Gas Company Limited, firstly, as consideration for the said official, Leo Albert Landreville, aiding in procuring the adoption of a measure, motion or resolution of the Corporation of the City of Sudbury providing for a franchise agreement between the said Corporation and the Northern Ontario Natural Gas Company Limited in 1956, and secondly, as consideration for the said official, Leo Albert Landreville, performing an official act, the signing of the said agreement for a franchise, contrary to the provisions of Section 408 and 104 of the Criminal Code.

On these charges the Crown has presented a great deal of evidence demonstrating to this court the evolution of the Northern Ontario

Gas Company Limited and its dealings with the City of Sudbury and the accused.

On the evidence before me I have arrived at certain conclusions which I must outline as briefly as possible.

Firstly, the subject of natural gas in the northern parts of Ontario became apparent to all in Northern Ontario with the birth of the Trans-Canada Pipeline—concern was expressed that the northern portion of Ontario may not be included in the scheme for the distribution as early as 1954 when there was a meeting with the Honourable Dana Porter at Toronto November 9th, 1954 (See Exhibit No. 18)—even prior the International Nickel Company were exploring the idea of Natural Gas June 1953 (Exhibit No. 64).

In February 1955 there was a joint meeting of Northern Ontario Municipalities at Kirkland Lake where the purpose of the meeting was to formulate ways and means for the most economical distribution of natural gas in Northern Ontario. At this meeting seventeen municipalities were represented by delegations and three guests were present. At this meeting the duly elected representatives resolved amongst other things that (1) "public ownership of a natural gas system is not possible at the present time at the municipal level because of the heavy financial responsibility involved and the serious problems of engineering and management, and, that the matter of natural distribution be left in the hands of private companies, and that franchise agreements be negotiated with one private company to serve all the municipalities in Northern Ontario and that all Northern Municipalities be asked for endorsement of this resolution" See Exhibit 19. Subsequent to the 9th of March 1955 meeting (See Exhibit 20) various motions of the Kirkland Lake Natural Gas Conference were forwarded to the Mayor and Council of the City of Sudbury by J. J. Kelly, the then City Solicitor amongst other motions, the following motion was passed:

"Whereas it is imperative in order to positively assure the Board of Transport Commissioners approval of the Northern Route that the applicant Trans Canada Pipe Lines Limited should have some definite commitment, that the communities on the Northern Route had designated



a distributor or distributors to purchase natural gas from the Trans Canada Pipe Lines Limited and to distribute to the communities concerned: and be it therefore resolved that the representatives of the Municipalities supporting this resolution recommend to their respective Councils the approval, by by-law of the application of the *Northern Ontario Natural Gas Company Limited* for the right to distribute natural gas in their respective communities."

Subsequently on July 25, 1955 representatives of:

Keewatin	Timmins
Fort William	Kirkland Lake
Kapuskasing	Fort Frances
North Bay	Geralton
Dryden	Sturgeon Falls
Port Arthur	Sudbury

attended at the office of the Prime Minister of Canada at Ottawa (see Exhibit 57) the gist of the meeting was that the Northern Municipalities were alarmed at the rumour that the Trans Canada Pipeline might by-pass Northern Ontario and go through part of the United States—they wished assurance from the government that any pipeline bringing gas from Alberta would definitely be all Canadian. Both the Prime Minister and Mr. Howe were impressed by the solid front put up by the Municipalities of Northern Ontario.

I must from this evidence conclude that natural gas and Northern Ontario Gas Company Limited were most prominent and discussed considerably in these early years. Certainly no person could in the light of this evidence conclude anything other than:

(1) Natural gas was desirable.

(2) Northern Ontario Natural Gas was the Company that would be the northern distributor.

In Sudbury that matter of natural gas seemed to have been investigated thoroughly and completely—as evidence we have the minutes of Council, the report of Arthur A. Crawley & Co. (Exhibit No. 61) where the matter of public and private ownership was investigated. The Council minutes of February 15th, 1955 of the City of Sudbury express concern as to the route of the Trans Canada Pipe Line and the opinion of the Honourable C.D. Howe that as a result of the publicity that the route "may" be changed to a more northerly route to serve the communities in the north.

Subsequently in 1956 the Council of Sudbury gave the by-law authorizing the fran-

chise to Northern Ontario Natural Gas its first and second readings and ultimately given the third reading on July 17th, 1956.

Prior to the third reading of the by-law, Mr. Crozier Chairman of the Fuel Board had attended at City Council and suggested there was urgency in having the by-law passed granting the franchise—the franchise agreement was fully explained. Mr. C.D. Howe during this period expressed urgency in the passing of the by-law. Surely after the efforts of Mr. Crozier and Mr. Howe it became quite obvious that there was some degree of urgency for the passing of the by-law.

Viva Voce evidence was given by John J. Kelly, Patrick Henry Murphy and Thomas L. Hennesy, James Cormack, Peter Guimond who were all employees of the City of Sudbury or elected members of Council. *Not one* of these said or intimated that the accused ever tried to influence him directly or indirectly subtly or otherwise. Each of them swore on oath that they acted independently of the accused and had never been subservient to the accused as Mayor or directed in any manner by the accused.

Evidence has been adduced that the accused as Mayor did not vote on any by-law. Where is the influence used by the accused? Where is the criminal act by the accused Mayor? On the evidence before me I cannot find any criminal act. Throughout the investigations by the Securities Commission, the preliminary hearing of Ralph K. Farris and the subsequent trial of Ralph K. Farris which evidence is all before this court, the accused has given the same explanation—I became friendly with Ralph Farris and as a result of that friendship was able to purchase some stock which at the time was of a nominal value because Northern Ontario Natural Gas at that time was little more than a paper entity with some franchises. Mr. McGraw in evidence says that at the time of the granting of the "option" to the accused it was absolutely unforeseeable that the price of the stock would advance so rapidly—in his words "A gas explosion suddenly hit the market".

As to the shares themselves there was nothing devious or circuitous concerning the delivery or ownership of the shares. A ledger account was opened in the name of "Mr. Justice L.A. Landreville, Osgoode Hall, Toronto, Ontario" in the books of Continental Investments (See Exhibit No. 13). The shares were mailed by Continental Investment Corporation Limited to "Mr. Justice L.A.

Landreville, Osgoode Hall, Toronto, Ontario" (See Ex. No. 2). The accused wrote to Continental Investment Corporation Limited on the stationary of the Supreme Court of Ontario (See Exhibit No. 2).

The accused subsequently sold his shares through a prominent stockbrokers firm in Toronto and the proceeds were deposited in his personal bank account. Surely a man of his known intelligence would not act in such a manner if he were guilty of a criminal offence.

An examination of the general ledger of Continental Investment Corporation Limited

(Exhibit No. 12) showed that others received stock in a like manner, not only the accused and this substantiates in my mind the explanation put forward by the accused in all previous hearings.

In my opinion a properly charged jury could not find the accused guilty and I cannot find sufficient evidence to place him on his trial.

I discharge the accused on all counts.

Dated at Sudbury, Ontario,

October 8, 1964

Albert Marck,  
Magistrate.

#### APPENDIX "E"

Ontario Government  
Press Release.

Issued by the Hon. A.A. Wishart, Q.C.  
Attorney General of Ontario

##### **Subject: Reg. vs Landreville**

The Attorney General today announced that he will not prefer a Bill of Indictment before a Grand Jury in respect of Mr. Justice Landreville. In so far as the Department of the Attorney General is concerned, the matter of the prosecution of Mr. Justice Landreville is concluded.

After a thorough study of the N.O.N.G. report three charges were laid under the Criminal Code. A full and complete hearing lasting six days took place in Sudbury before a competent and experienced Magistrate and with an able prosecutor acting on behalf of

the Crown. All the relevant evidence was presented and at the end of the hearing the Magistrate found that the evidence did not warrant his committal for trial.

The suggestion has been made that the Attorney General should now proceed to prefer a Bill of Indictment before a Grand Jury. This would amount to a repetition of the proceedings taken before the Magistrate. It is an extra-ordinary proceeding only to be used where there has been some defect or omission in the enquiry held before the Magistrate.

It should be pointed out that had Mr. Justice Landreville elected trial before Magistrate Marck, the charges against him would have been dismissed.

Having taken the matter properly before the Court where it has been disposed of, no further action will be taken by the Attorney General.

OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

Translated by the General Bureau for Trans-  
lation, Secretary of State.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



First Session—Twenty-Seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING  
**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

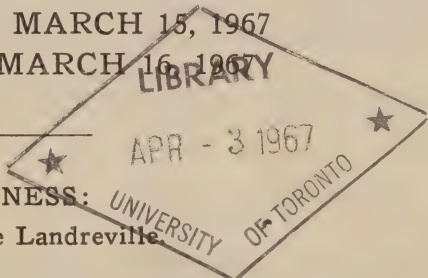
The Honourable Senator Daniel A. Lang  
and  
Mr. Ovide Laflamme, M.P.

---

MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 6

---

FRIDAY, MARCH 10, 1967  
TUESDAY, MARCH 14, 1967  
WEDNESDAY, MARCH 15, 1967  
THURSDAY, MARCH 16, 1967

WITNESS:   
Mr. Justice Landreville

The stamp is a diamond-shaped library stamp from the University of Toronto. It contains the word 'LIBRARY' at the top, the date 'APR - 3 1967' in the center, and 'UNIVERSITY OF TORONTO' along the bottom edge, flanked by two stars.

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

The Honourable Senators

Cook,

Fournier

(*de Lanaudière*),

Hnatyshyn,

Langlois,

Macdonald (*Cape Breton*).Mr. Guay,

Mr. Bell (*Carleton*),

Mr. Cashin,

Mr. Fairweather,

Mr. Gilbert,

Mr. Goyer,

Mr. McCleave,

Mr. McQuaid,

Mr. Patterson,

Mr. Stafford,

Mr. Tolmie.

Fernand Despatie,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

FRIDAY, March 10, 1967.

(14)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 11.45 a.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Lang, Langlois, Macdonald (Cape Breton) (4).

*Representing the House of Commons:* Messrs. Bell (Carleton), Cashin, Fairweather, Goyer, Laflamme (5).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville, Mr. David Humphrey, Q.C. and Mr. Terrence Donnelly.

At the opening of the meeting, there was a general discussion regarding the suggestion made at the Committee's twelfth meeting that certain persons be called to give evidence.

At 12.15 p.m., the Committee agreed to proceed to an *in camera* session, for the purpose of discussing this matter fully.

At 12.45 p.m., the Committee resumed its regular meeting.

On motion of the Honourable Senator Cook, seconded by Mr. Cashin,

*Resolved*,—That Magistrate Marck's letter of June 12, 1965, addressed to Mr. W. Earl Smith, Secretary, The Law Society of Upper Canada, Osgoode Hall, Toronto, Ontario, be printed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix F*).

The Joint Chairman (the Honourable Senator Lang) stated that the Committee had decided not to hear the witnesses whose names had been suggested since these persons would be giving opinion or expert evidence. He added that the Committee would be pleased to hear witnesses who could bring new evidence as to the facts and circumstances surrounding Mr. Justice Landreville's acquisition and disposition of stock in Northern Ontario Natural Gas Company, Limited.

At 12.55 p.m., the Committee adjourned until Tuesday, March 14, 1967.

TUESDAY, March 14, 1967.

(15)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met at 9.40 a.m. this day. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.



*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Lang, Macdonald (*Cape Breton*)—(4).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie—(11).

*Also present:* Messrs. Alkenbrack, Cantin and Forest, Members of Parliament.

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

*In attendance:* Mr. Justice Landreville, Mr. David Humphrey, Q.C. and Mr. Terrence Donnelly.

At the opening of the meeting, Mr. Cashin took strong objection to an editorial which appeared in the Toronto Telegram, on Saturday, March 11, 1967. The feelings expressed by Mr. Cashin were endorsed by Members of the Committee.

Mr. Justice Landreville continued his presentation and he was examined.

At 11.05, the Committee agreed to take a ten-minute recess.

On re-assembling, Mr. Justice Landreville resumed his presentation. He was examined.

A document "Memorandum on Procedure and Parliamentary Precedents" submitted by Messrs. David Humphrey, Q.C. and T. J. Donnelly, was distributed to Members of the Committee, at the request of Mr. Justice Landreville.

At 12.05 p.m., the Committee adjourned until 3.30 p.m. this day.

## AFTERNOON SITTING

(16)

The Committee resumed at 3.50 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Macdonald (*Cape Breton*)—(5).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Goyer, Guay, Laflamme, McCleave, Patterson, Tolmie—(8).

*Also present:* Messrs. Stanbury and Whelan, Members of Parliament.

*Counsel present and in attendance:* The same as at the morning sitting.

Mr. Justice Landreville was examined.

At 5.15 p.m., the Committee agreed to take a ten-minute recess.

On re-assembling, the examination continued.

On motion of Mr. Bell (*Carleton*), seconded by the Honourable Senator Fournier (*de Lanaudière*).

*Resolved,*—That the document "Memorandum on Procedure and Parliamentary Precedents" submitted by Messrs. David Humphrey, Q.C. and T. J.

Donnelly dated March 8th, 1967, be printed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix G*).

At the conclusion of the examination, Mr. Justice Landreville expressed gratitude to the Members of the Committee and made certain comments.

Mr. Justice Landreville was thanked by the Joint Chairman (Mr. Laflamme) on behalf of all the Members of the Committee.

At 6.40 p.m., the Committee adjourned until 8.30 p.m. this day.

#### EVENING SITTING

(17)

The Committee met *in camera*, at 8.35 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*)—(6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McCleave, Patterson, Tolmie—(10).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

There was a general discussion regarding the matter before the Committee. Preliminary statements were made by the Members regarding the tenor of the report to be presented to both Houses of Parliament.

It was agreed that a draft of a report be prepared by the Subcommittee on Agenda and Procedure, on the basis of opinions expressed at this meeting, and submitted to the Main Committee for discussion.

At 10.20 p.m., the Committee adjourned until Wednesday, March 15, 1967.

WEDNESDAY, March 15, 1967.

(18)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met *in camera* this day, at 5.00 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*)—(6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Fairweather, Gilbert, Goyer, Guay, Laflamme, McCleave, Patterson, Tolmie—(10).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel; Mr. Yves Fortier, Counsel to the Committee.

The discussion regarding the matter before the Committee resumed and the draft of a report to be presented to both Houses of Parliament was submitted by the Subcommittee on Agenda and Procedure. Opinions were expressed and changes were suggested.

A motion pertaining to the tenor of the report was agreed to, on division.

It was agreed that a new draft be made by the Subcommittee on Agenda and Procedure, on the basis of opinions expressed at this meeting, and submitted to the Main Committee for discussion.

At 6.10 p.m., the Committee adjourned until Thursday, March 16, 1967.

THURSDAY, March 16, 1967.

(19)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met *in camera* this day, at 8.40 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*)—(6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie—(8).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel.

The Subcommittee on Agenda and Procedure submitted a new draft of a report which the Committee considered paragraph by paragraph.

The said draft report was amended and adopted unanimously, with the exception of one paragraph thereof which was adopted on division.

The Joint Chairmen were directed to present the draft report as amended, as the Committee's Second Report to both Houses of Parliament.

Members expressed appreciation to Dr. Maurice Ollivier, Parliamentary Counsel, and Mr. Yves Fortier, Counsel to the Committee, for the assistance which they provided to the Committee.

At 10.40 p.m., the Committee adjourned *sine die*.

Fernand Despatie,  
*Clerk of the Committee.*



## EVIDENCE

(Recorded by Electronic Apparatus)

Friday, March 10, 1967.

• (11.45 a.m.)

**The Joint Chairman Senator Lang:** Gentlemen, I see a quorum.

Our counsel has had discussions with counsel for Mr. Justice Landreville on the question of calling additional witnesses. Perhaps our counsel should tell us what has transpired, because we feel that this matter should be dealt with by the Committee as a whole rather than by the steering committee.

**Mr. Y. Fortier (Legal Counsel):** Well, Mr. Chairman, as instructed by your Committee I met with Mr. Humphrey yesterday evening. I ascertained from him the names of the witnesses whom Mr. Justice Landreville wanted to call before this Committee after his testimony was finished, and the general purport of their testimony.

Mr. Humphrey indicated that there were in the first instance the hon. Messrs. Favreau and Cardin, who would be asked to testify on the numerous visits made to them in their official capacity as successive ministers of justice by the hon. Mr. Justice Landreville, with a view to airing the situation which prevailed at a time in 1964 and onwards when his name was being mentioned in the legislature of Ontario as well as in newspaper articles, and so on; and how he sought to have a commission of inquiry set up to inquire into his dealings with Northern Ontario Natural Gas Limited.

Now, Mr. Justice Landreville testified briefly on that point yesterday afternoon. I think he very clearly set forth his numerous démarches in this connection, both to Mr. Favreau and to Mr. Cardin. Last night, as I was going over his testimony before Commissioner Rand, I noted that at one point at the end of his second day of testifying Commissioner Rand asked him if there was anything else he wished to say before the inquiry came to a close and argument began. Mr. Justice Landreville then set forth before Commissioner Rand these very events, and he also filed copies of letters which had been sent to the ministers of justice who succeeded each other. He related the meetings that his counsel, Mr.

Robinette, had; he went into the question of the position of the Attorney General of Ontario, and so on. All this evidence was adduced before the Rand Commission; it is uncontradicted evidence; and as such it forms part of your Committee's working material.

The other witness whom Mr. Humphrey said his client wished to call is Mr. Robinette who was counsel to the hon. Mr. Justice Landreville before the Rand inquiry. I understand from Mr. Humphrey that Mr. Robinette would be asked to testify, as Mr. Humphrey so very well put it, on how he and his client went before Commissioner Rand "prepared to play tennis and were called upon to play rugger." Those are the words that Mr. Humphrey used. On this point, Mr. Chairman and members of the Committee, I leave it to you, of course, to decide whether or not it is fit and proper for one who acted as counsel and who, of course, was sworn to secrecy in that capacity—and whose dealings with the matter presently at hand were if I may say so, only *ex post facto* and did not, in my humble opinion, go to the crux of the Committee's terms of reference—can add anything which would assist you in your deliberations.

Finally, Mr. Humphrey asked whether or not Magistrate Marck could be called as a witness. It is well known that Magistrate Marck is the judicial officer who presided at Mr. Justice Landreville's preliminary inquiry, at the outset of which—a hearing which lasted some five or six days—he rendered a decision which in effect said there that was no sufficient evidence; that he realized that he had made a mistake in law; and that he clarified his judgment by writing to the Attorney General of Ontario and the Law Society saying that it was not a question of there being no sufficient evidence—because that was for a trial judge to find out—but was a question of there being no evidence at all on which a jury could convict.

Yesterday, Magistrate Marck's judgment was filed before this Committee. Is it now one of your working documents. His letter to the Law Society, which followed the report of the Law Society to the Minister of Justice, has also been filed before this committee. There

may be a question here and I see Mr. Donnelly nodding—about whether or not it was legally filed. It was annexed to the statement which Mr. Justice Landreville delivered to the Committee on the day these hearings started, but they were not read by His Lordship. When distributed to the press there was found annexed to his statement this two-page letter.

In my humble submission here again I would say that the same importance, or the same relevancy, should be attached to Judge Marck's judgment and his letter to the Law Society as your committee has decided to attach to the report of the Law Society itself. If in your deliberations you wish to refer to them, they having been filed before your Committee you will be free to do so. I do not see what Judge Marck, who was called upon to try a criminal case, could add to his very clear judgment and, I should say, his even clearer letter to the Law Society.

Now, those were the witnesses, Mr. Chairman, whom Mr. Humphrey indicated His Lordship wished to call. I think it should be pointed out to members of the Committee that I relayed these names to you last night, and that you felt that the eventual decision on whether or not they should be called should be taken by the Committee as a whole and not by the steering committee.

**The Joint Chairman Mr. Laflamme:** Mr. Humphrey?

**Mr. David Humphrey (Legal Counsel to Mr. Justice Landreville):** Mr. Chairman, first of all, I think Mr. Fortier has very clearly put to this Committee the proposition that I put to him. There are one or two things I should like to add.

Now, with regard to the former ministers of justice, Messrs. Favreau and Cardin, it would not only be the evidence which Mr. Fortier has already outlined but also to indicate that in their view, having complete knowledge of all the events that had transpired, they in their responsible position as the minister felt that it was perfectly proper for Mr. Justice Landreville to continue in his duties. That I would think would be an opinion valued by this Committee.

In so far as Mr. Robinette is concerned, the main import of his evidence, as outlined by Mr. Fortier is this: that when Mr. Justice Landreville appeared before the hon. Mr. Rand, it was contemplated, in view of correspondence between Mr. Robinette and the responsible minister, that the investigation would deal solely with the facts surrounding

his acquisition of NONG shares. As you can see by the report that plays really a very small part in his conclusions. The conclusion he came to with regard to that problem was rather innocuous.

Now with regard to Magistrate Marck, not only he is the only—

• (11.55 a.m.)

**The Joint Chairman Senator Lang:** On that score, Mr. Humphrey, if I were acting as counsel in a case I think I would be very reluctant to appear as a witness before some other tribunal. There is a question of client-solicitor privilege here and all sorts of complications.

**Mr. Humphrey:** I do not think so. First of all, it is not Mr. Robinette's privilege. It is the judge's privilege, which he is entitled to waive if he wishes. The area of inquiry would only be relative to the correspondence between the responsible minister and Mr. Robinette, and Mr. Robinette could then indicate to this Committee his view, as counsel for Judge Landreville, when he appeared before Mr. Justice Rand. Had they suspected that the ambit of the inquiry would be entirely different from their understanding they may have participated in the inquiry in an entirely different way and been able to present before Mr. Rand some of the answers to the questions he raises in his report, all of which were not directly dealt with, and not considered to be at issue, by Mr. Robinette and by Judge Landreville.

**The Joint Chairman Mr. Laflamme:** Has this witness, Mr. Robinette, suggested to you that he be called to testify that he did not clearly understand the terms of reference appointing Mr. Justice Rand?

**Mr. Humphrey:** I am sorry, sir. Did he request to do this?

**The Joint Chairman Mr. Laflamme:** Yes?

**Mr. Humphrey:** No.

**The Joint Chairman Mr. Laflamme:** Did Mr. Robinette complain before Mr. Justice Rand about being unable to understand clearly the terms of reference?

**Mr. Humphrey:** There could be no complaint until the report was issued, and the report was not in response to the understanding they had. By that time it was too late.

Of course, that is another point about the report. The Inquiries Act, under which Mr. Rand was acting, requires him, before he makes an accusation against any person, to



say: "Now, look; I have heard the evidence and I am about to accuse you of being bilingual, wealthy, having a roving mind, a villa in Mexico and all these things. Now here is your last chance to refute all that." That was not done, and that was raised in our original objection.

Now, with regard to Magistrate Marck, there are only two independent people who have heard the evidence concerning the acquisition of shares by Mr. Justice Landreville. Magistrate Marck heard virtually the same evidence that Mr. Rand heard. Now, not only did he deal with the matter in a legal way, as a responsible judicial officer, and indicate that in his view there was no evidence of wrongdoing, but he became exercised when he heard of the pending Law Society Report. He wrote the letter which was attached and which has not yet been filed. That letter indicates, in his view, the facts in answer to a question by one of the members earlier to Judge Landreville: When you disprove the allegation? In the view of Magistrate Marck, who heard all the evidence, there was no allegation. The facts themselves disprove the allegation and the suspicion. He is anxious to come here and, if permitted, to present to the members of this Committee his view both as a judicial officer and as a sitting magistrate and he is prepared to discuss what suspicion, if any, in his view, should flow from the proven facts.

**The Joint Chairman Mr. Laflamme:** But the purpose of those witnesses is to come here and give their own opinion?

**Mr. Humphrey:** Well, in the absence of Mr. Rand we are left with his opinion, which we cannot even challenge by cross-examination.

**Mr. Fortier:** How would any of those witnesses, Mr. Humphrey, in your opinion, touch upon the facts, considerations and conclusions of the Rand report with which this committee is seized?

**Mr. Humphrey:** Well, sir, first of all, with the greatest of respect, that is one man's opinion. We are unable to ask him: How do you come to this conclusion? Why do you say that? What evidence did you base this on? So it is there. It is a piece of paper. We cannot cross-examine a piece of paper. How can we assist this Committee on what interpretation can be made of the facts? We have one man's opinion that we cannot test. We are able to present another judicial officer who heard the same evidence, completely independent of the judge, and who has entirely different views,

be they right or wrong. They may not be in accord with the view of this Committee, but this Committee may be interested in his views. And this Committee has a chance to ask him: How do you come to this conclusion? Why do you say that?

**Mr. Bell (Carleton):** Mr. Chairman, may I ask Mr. Humphrey if he can quote any precedent to us of a judicial officer, whether justice, judge or magistrate, being called before a parliamentary committee to explain the reasons upon the basis which he wrote a decision which he handed down and which has been made public?

• (12.00 noon)

**Mr. Humphrey:** No, sir; he would not be called to explain his decision. That has been rendered and is of no interest to this Committee. I understand that. But he is in a position, as a responsible member of the judiciary, to give you his opinions in a broad sense.

Speaking of authority, I do have authority, but I know that this Committee is not interested in hearing any further legal argument. I do have authorities which deal with the absence of the person whose opinion we are faced with, but that is another matter. We have raised that argument before.

**Mr. Bell (Carleton):** Well, sir, I would be concerned about the precedent of calling any judicial officer before a parliamentary committee. Another parliamentary committee dealing with transportation would call Mr. Justice Landreville to get his opinion on why he rendered a reported decision on a particular case. Would we not then have the most dreadful interference by parliament with the independence of the judiciary?

**Mr. Humphrey:** Sir, I do not see anything offensive in that. When a judge renders his decision he is then *functus officio*. I see nothing improper in his discussing the situation with responsible people; and, in fact, this magistrate is so motivated as almost to request, and want, to be here; and he does not feel that he is being interfered with in his judicial duties, or otherwise. In fact, he was the one that went to the Attorney General of Ontario and said, "I feel very strongly about a wrongdoing by the Law Society and I want to write this letter. Do I have your permission to send it". The Attorney General said Yes.

**Senator Cook:** You put your finger on it yourself when you say that he is *functus officio*. We must have finality. Are you going to call the magistrate? Are you going to call



Judge Rand? Are you going to keep on calling this one and that one? We have the magistrate's opinion. We have Judge Rand's opinion. We must have finality. They are both *functus officio* as I see it.

**Mr. Humphrey:** Relative to their functions; Magistrate Marck is *functus officio* with regard to his decision but he is still an interested party; not from the point of view of being a judicial officer, but as a citizen—as a member of the Law Society.

**Senator Cook:** He is a magistrate.

**Mr. Humphrey:** He is a member of the Law Society, too, sir.

(Translation)

**The Co-Chairman Mr. Laflamme:** Mr. Goyer?

**Mr. Goyer:** Mr. Chairman, in so far as Messrs. Favreau and Cardin are concerned, if these people feel they must come here to clarify certain points that have been raised before us, I have no objection to hearing them, but if their evidence is to corroborate the fact that Justice Landreville took steps to obtain an enquiry, I feel it would be superfluous to call them. No one has denied what Justice Landreville has said, no one has raised any question in regard to this. So, they would be adding nothing to the facts that concern us. On the other hand, the Committee is examining the question and the present Minister of Justice and the former Minister of Justice are bound by the decision taken. As Members of Parliament they are on the same footing as all other Members of Parliament. If they want to come here, they are not coming as present or former Ministers of Justice but as Members of Parliament; if they were members of the Senate they would appear in that capacity.

As to Magistrate Marck, no one has questioned his ruling that there is no criminal act involved, so what are we going to add to this finding? In so far as Mr. Robinette is concerned, I do not see how a counsel can add anything new in a case. All these persons would simply be expressing opinions, very personal opinions. And I am not interested in personal opinions, what concerns me is to have new facts, to find out whether new facts can be brought to light. Can witnesses come and give evidence on the questions we are considering, mainly regarding the letter of the 13th of July and the consequences of that letter. I think we must restrict our enquiry to this point and to go outside of this

field would be to create an image of some sort and we are not here to see an image created or destroyed; we are here simply to come to a decision in respect of events that have occurred.

(English)

**The Joint Chairman Mr. Laflamme:** Before proceeding any further I think it would be appropriate at this time to ask Mr. Humphrey if he has any other comment on the purpose of calling those witnesses. If not, the propriety of having those witnesses called should, I think, be discussed in camera by the members.

**Mr. Cashin:** I was going to make some comment on that. Does in camera include me?

**The Joint Chairman Mr. Laflamme:** No. I have asked you if you have any other comments to make regarding the purpose of...

**Mr. Humphrey:** We are talking about opinions. Now, I do not say this in a critical way, but it is physically and virtually impossible for the members of this Committee to examine in detail the evidence that was given before Judge Rand. That is just simply a physical impossibility. Mr. Fortier has very capably and quite accurately assisted this Committee regarding the evidence that was given before Judge Rand.

In Magistrate Marck we have the only other person who is really independent and who has examined exactly the same facts. It is true that he has opinions, not as a judicial officer now but as a person who is a member of the Law Society of Upper Canada, a person trained and skilled in the law, who has heard the evidence, who holds an entirely different opinion and is prepared to come here and under oath support the opinions that he has. Those opinions, as outlined in a letter that he sent to the Law Society, touch very closely on the question that was raised earlier about propriety. I think it is a good question, and a difficult one for this Committee to deal with. We offer him simply to be of assistance to this Committee.

**Mr. Cashin:** Mr. Chairman, you have suggested that we discuss in camera whether or not Magistrate Marck should be brought forward. I have a comment to make on that, and the reason for my doing so at this point, with your permission, is that perhaps it might give counsel for Mr. Landreville an opportunity to develop it as an argument for bringing Mr. Marck before the Committee. Would that be in order?

I am not sure of the validity of the argument. I am just merely stating that Mr. Marck was seized with the issue of criminality. We are not. We are seized with the issue of propriety. Consequently, therefore, can Magistrate Marck assist us in any way in dealing with the matter of propriety? Can this be separated from the objections that were raised by Senator Cook and Mr. Bell because of the magistrate's position in the judiciary?

**Mr. Humphrey:** If he, as a judicial officer, can come and say, "I am one of two independent, informed members of the public. I have finished my job as a magistrate. As an informed member of the public and a responsible person and with a trained legal mind I say to you that there is no accusation to answer, there are no facts upon which a reasonable person could be suspicious"—if, contrary to that view, people wish to say, "Well, I know that there is no basis for it, but I believe it"—we all know how deep-seated prejudice can be and how often it is not based in any way on proven facts. In answer to the question that you asked yesterday, sir, "Has Mr. Justice Landreville proven himself innocent?" Magistrate Marck will say, "When I examined the facts, the facts themselves proved he was innocent. He did not have to open his mouth."

**Mr. Fortier:** What would you say then, sir, of other members of the Law Society of Ontario who may wish to be called before this Committee to say that in their opinion there was a suspicion of impropriety? Would the Committee then have to hear the—

**Mr. Humphrey:** I think that would be very helpful if we had an opportunity of cross-examining them.

[Translation]

**Mr. Goyer:** Mr. Chairman, there are facts which open the way to illegality, there are facts that may lead to impropriety. There is no question of illegality here, to date at any rate, but there may be a question of impropriety from the viewpoint of professional ethics, et cetera. And facts may open the way to this conclusion, not just opinions, not what is thought of certain circumstances. This is what we have to decide.

(English)

**The Joint Chairman Mr. Laflamme:** If you do not have anything to say, Mr. Humphrey, I would suggest to the members of this Committee that we sit *in camera* to discuss the propriety of having those witnesses.

**Mr. Humphrey:** There is just one other point, and I will try to be short.

As the saying goes, the proof of the pudding is in the eating. Have Judge Landreville's dealings rendered him unfit?

As you know, after the preliminary hearing he returned to the bench for a period of over a year—some thirteen or fourteen months. There is in Toronto an officer of the court, the deputy registrar, who deals with the public, who deals with the bar and who deals with the bench and arranges court lists. Would it be of assistance if he were to tell this Committee that in spite of the publicity concerning this affair Mr. Justice Landreville was well received by all and that his commencement, or re-commencement, to fulfill his duties was not tainted in any way by the publicity that had occurred?

**Mr. Fortier:** That was before the submission of the Rand Report?

**Mr. Humphrey:** Correct.

**Mr. Fortier:** Well, that, to me—

**Senator Cook:** When you say "well received by all" does that include the bench who made that report.

**Mr. Humphrey:** Well, now, there is another question. We indicated in our original argument that that report is of doubtful authenticity, if I may use that expression. No reliance can be placed on that report, I say with respect, sir, unless you know how that report came into being.

**Mr. Bell (Carleton):** I think we are all aware of the fact that Mr. Justice Landreville was back on the bench. If we get an officer of the court, we will next be led into calling the former chief justice of the high court and asking him what he said to Mr. Justice Landreville, and the present chief justice of the high court and asking him what recommendations he made to Mr. Justice Landreville. It will go on indefinitely.

**Mr. Humphrey:** Well, would that not be some guidance, sir, on the test of propriety? We should have the expert opinions of people who occupy positions of responsibility, as did the former ministers of justice. I would have thought that if they, as responsible officers, had felt that it was improper for him to continue his duties they would have asked him to resign.

**Mr. Fortier:** But, Mr. Humphrey, this Committee is presented with the situation



that has prevailed since the Rand Report has been submitted, not with the situation that prevailed before the Rand Report.

It seems to me that your argument would be very well taken indeed if this Committee were called upon to decide whether or not prior to the Rand Inquiry Mr. Justice Landreville should have been removed, but now the Committee is asked whether or not, in view of the Rand report, he should be removed.

**The Joint Chairman Senator Lang:** Perhaps we should sit *in camera*, gentlemen, if that is your wish.

**Some hon. Members:** Agreed.

Whereupon the Committee sat *in camera*—  
Upon resuming public hearing.

• (12.45 p.m.)

**The Joint Chairman Senator Lang:** May we resume, gentlemen?

Have I a motion?

**Senator Cook:** I move that the letter from Magistrate Marck be made an appendix to the record of this Committee.

**Mr. Cashin:** I second the motion.

**The Joint Chairman Senator Lang:** It is moved by Senator Cook and seconded by Mr. Cashin that the letter from Magistrate Marck be made an appendix to the record of this Committee. Is it agreed.

**Some hon. Members:** Agreed.

Motion agreed to.

**The Joint Chairman Senator Lang:** Mr. Justice Landreville and Mr. Humphrey, you will have gathered from the time you have been in the corridors that we have been deliberating at some length on this question of additional witnesses. We have done so because we are all concerned that justice not only must be done but must also seem to be done, and none of us have, nor do we wish to give any impression of, any intent to exclude any relevant new evidence that might be available to this Committee.

However, the Committee has decided that under the circumstances in which we find ourselves we are not prepared to hear opinion evidence or expert evidence, and into that category we place the evidence that we anticipate would be forthcoming from the four witnesses that you mentioned.

This Committee will be pleased to hear any witnesses you may choose to bring forward,

who can bring to us new—and I underline “new”—evidence or the facts and circumstances surrounding your acquisition and disposition of stock in Northern Ontario Natural Gas.

With regard to your proposal that Mr. Robinette be called as a witness, the Committee would like me to add that Mr. Robinette enjoys the privilege, and will continue to enjoy the privilege, of appearing here before this Committee as your counsel at any time that you may feel disposed to bring him and that he is disposed to appear in that capacity. We feel that, beyond that capacity, what evidence he may be able to give as a witness would fall within the same category as that of the other three witnesses to whom you have referred.

**Mr. Landreville:** That is your ruling, Mr. Chairman.

May I mention on the fact, as you stated, that Mr. Robinette would be welcome to appear here, that it is a known fact that presently he is tied into a long case before the Chief Justice in Toronto and was not able to be here; otherwise, he would be assisting me.

As to new evidence, which you have stated, if we are going to attach any importance—and if you attach any importance—to the so-called lack of disclosure of the fact that I had intentions the following year of being associated with NONG, and lack of disclosure to persons that I have mentioned in this report—which Mr. Rand said, on the evidence, they said: “No, I had not.”—that is true—I can bring additional evidence to show you.

**Mr. Fortier:** They were all at the questioning.

**Mr. Landreville:** Judge Cooper, if I may—

**Mr. Fortier:** I am particularly thinking of Judge Cooper at the moment.

**Mr. Landreville:** Yes. He said at page 548—if I may just add that in. He is one of the witnesses. Mr. Morrow asked him, pertaining to my acquisition of the option:

Q. He may have told you?—A. He may have; I can't say under oath that he didn't, but I didn't attach any importance to it, or significance, any more than if he were to tell me that he had International Nickel stock, or so on, or if he didn't.

In the event that you may want to discuss that at a later date, I would like to place the



facts before you of the events of July and August. In August, you recall, I told you I was out of Canada for two weeks. In September came this affair—this proposal—and then I was busy mopping up my law office and the Mayor's office; and I ceased on the 30th and I left Sudbury for Toronto. That may in some way explain why more people—but I at no time kept it as a secret. I considered it as a personal matter. That evidence I gave Mr. Rand.

Mr. Chairman, may I ask you this question? Would it be impertinent for me to know at what time this Committee proposes to adjourn, in view of the fact that I would like to give you something in compact form?

**The Joint Chairman Senator Lang:** Gentlemen, the question arises whether we should sit this afternoon. We have a rather tenuous quorum at the moment and that may present a problem to us later in the day. I would like to have expression of opinion.

**Senator Cook:** May we ask the Judge if he has any idea how much longer he would be in presenting his—

**Mr. Landreville:** We are going to enter into a field of probing—judging by the questions, for instance, put by Mr. Cashin and Mr. Goyer, yesterday—of proprieties and ethics. Therefore, it will depend on the questions that are put and how lengthy are the answers. I would judge—

**Senator Cook:** May I ask if you have finished with your treatment of the report yourself?

**Mr. Landreville:** In so far as the report, I have the conclusions to analyse and relate them back and draw conclusions on that report.

I want to get into the very field that was brought up—proprieties, or code of ethics, or morality.

**Mr. Fortier:** If there were no questions would your evidence—

**Mr. Landreville:** I would hope that there would be questions.

**Mr. Fortier:** I assume that there will be, but—

**Mr. Landreville:** I would say about an hour and a half.

**Senator Cook:** In other words, if the questions were to elucidate your presentation another sitting would probably see you complete it?

**Mr. Landreville:** Another sitting would likely see me through. I am at your disposal, however, should you wish to adjourn until Tuesday.

**Mr. Cashin:** I would just like to indicate, if it is any help to you, Mr. Chairman, that I certainly could be here this afternoon.

**The Joint Chairman Mr. Laflamme:** Mr. Bell?

**Mr. Bell (Carleton):** Yes.

**The Joint Chairman Mr. Laflamme:** Mr. Fairweather?

**Mr. Fairweather:** I regret that I am trying to finish the Broadcasting Committee report of which I am a co-author.

**Mr. Goyer:** I regret that I have another committee which I have neglected.

**The Joint Chairman Mr. Laflamme:** In those circumstances I think we should adjourn until next Tuesday at 9.30 a.m.

**An hon. Member:** Shall we have three sittings on Tuesday?

**The Joint Chairman Mr. Laflamme:** We expect to have three sittings on Tuesday.

---

Tuesday, 14 March, 1967

• (9.41 a.m.)

**The Joint Chairman Senator Lang:** Gentlemen, I see a quorum.

I think we might resume our sittings, and Mr. McCleave will be in in a moment. Yes, Mr. Cashin?

**Mr. Cashin:** I would like to raise a matter before the Committee, arising out of an editorial which appeared in the *Toronto Telegram* on Saturday, March 11. I have given members of the Committee copies of the editorial in question. Perhaps some of them have already had an opportunity to read it. My view was

that this was a grossly irresponsible act on the part of the newspaper to write an editorial of that kind, and I felt that it certainly was an impropriety for the newspaper to do this. I do not think I am in a position to say whether it was of the same magnitude of impropriety as that which it is alleged the subject matter of the editorial committed.

I would think that in normal circumstances, if this were a court, of course, which it is not, although it is performing a function of, I suppose, something of a similar nature, this editorial would be in contempt. I felt that it should be brought to the attention of the Committee. I, personally, deplore it, and this type of editorializing. It seems, from my recollection, and from reading and talking with other members, of what the testimony was by Mr. Landreville on the day in question, they have done an injustice to him, and taken this matter, and his words, very much out of context. Even if that were not the case, even if the facts as contained in the editorial were substantially true, I still think that it would have been an act of gross irresponsibility.

What makes it even more annoying, and, I think, more deplorable, is the fact, at least from my recollections which are quite vivid on this point—I thought I understood very well what the judge was saying—that their facts are not right, and that this was taken from a news report. As I recall what Mr. Justice Landreville said at that time and I paraphrase was that he did tell minor lies. I remember the two examples he used: One was a woman of whom he may have said had a nice hat, when I presume she did not have a nice hat. It seems to me that I would be hard pressed to say that this was an offence that I had not committed myself; I do not know about other members of the Committee. The other one was to say that he was out of his office, when he was in his office. So, it seems to me that they completely misinterpreted what Mr. Landreville said, which, I think, makes this doubly reprehensible. As I said, if the facts were correct, even to comment on it in this way would be a serious impropriety. In view of the fact—in my view—that the facts are substantially different from that which they are alleged to be in this editorial, that this makes this a very serious matter, and I think it is something that should have

been brought before the Committee. I would think that all of us deplore this action which could well amount to being contempt of this Committee.

**Senator Fournier (de Lanaudière):** Mr. Chairman, I think I can raise the same question of privilege; I just had a look at the editorial. I do not want to discuss the facts; I might be too severe on those who wrote the editorial. In principle, however, we are here in some sort of judicial capacity. Being judges of one Canadian citizen, I do not see how an outsider, whoever he is, can tell us what to do, and when to do it. I resent that kind of literature; to me, it belongs to some sort of conspiracy against a Canadian citizen. Thank you, Mr. Chairman.

• (9.45 a.m.)

**The Joint Chairman Senator Lang:** Thank you, Senator Fournier. Is there anyone else who wishes to speak on this matter?

I think probably the two members of the Committee who have spoken I know are expressing the feelings of the Chair, and, I would imagine, the feelings of this whole Committee. To paraphrase the editorial itself, in referring to Mr. Justice Landreville—and now I refer to the *Toronto Telegram*—I quote: "It shows a lack of judgment."

**Mr. Cashin:** I think it is much worse than a lack of judgment on the part of the newspaper. I believe that there is a responsibility in relation to natural justice, and other factors in public life, incumbent upon an editorial staff of a major Canadian newspaper, or any Canadian newspaper for that matter. I think this is one of the worst pieces of editorial comment that I have ever seen in a Canadian newspaper.

**The Joint Chairman Senator Lang:** Thank you, gentlemen. I think it would be appropriate that we take up where we left off last week. At that time, I believe, Justice Landreville, you were preparing to examine the conclusions of the report itself and to comment on them, and their relationship to the substance matter of the report.

**Mr. Justice Landreville:** That is so, Mr. Chairman, and gentlemen. I proposed to go to the conclusions which are at page 107 of the report. I propose to analyse these conclusions in the light of the facts that I have given to you, and then, discuss with you morality, eth-



ics, and proprieties. I will submit myself to your questions and your views in that respect. I then propose to give you a brief supplement to that procedure and parliamentary precedents which Mr. Ollivier distributed at the beginning. I have taken these from the same authors, in the main, to show you, and so as they be guide rules for you in your deliberations. I have copies which I will distribute; then I propose to ask my counsel to say a few words to you along general lines. I think that should conclude my representations before you.

Gentlemen, if I may, at page 107, it reads as follows:

1. The stock transaction between Justice Landreville and Ralph K. Farris, effecting the acquisition of 7,500 shares in Northern Ontario Natural Gas Company, Limited, for which no valid consideration was given. . .

I stop there, and you just refresh your memory. The letters of July are there, then the conversation I had with Mr. Farris in September, and the further telephone conversation in October. The question of my participating as a director and becoming an employee of that company had disappeared. Then I did ask him if I could rely on the obtention of those shares, and he said "yes".

Now, at that time, you must bear in mind what we knew of the value of that stock. In short, what were the prospects? I was willing; I had confidence, I have affirmed that at every hearing. I had faith in Mr. Farris, and it was sort of a handshake. Mr. Rand discussed this with Mr. Robinette, he said, "certainly it was not a legal binding contract". I must say that in my own opinion, I would not have sued him because I lacked actual proof in paper writing. The original consideration for giving me the option had disappeared.

You say also, possibly, that was preferential treatment. As of July that offer was made to me because I would become an employee, and in September or October, if you consider the word "preferential", the simple giving of the promise, in that sense, yes. In the sense that one could foresee that these shares would go up the following February, is a different thing. I think if we are going to discuss principles, on this question of valid consideration, one must have in mind that if those shares

had gone from \$2.50 to \$2.65—\$2.70, and over a course of years kept a level, possibly we would not be here. So, is it the difference between five cents and \$10 that affects the principle? I submit to you, respectfully, that it is not.

There is no doubt that I had no control over that stock rise. I admit that I made \$117,000; in fact the record will show that in March I sold—get me the file of the correspondence; I would like to give you the exact date, if that be relevant, just what I did with those shares and why I sold them. There is some inference in the Rand report that I disposed of them. I want to give you—and there is an exhibit on file—the relevant dates so that no one can harbour the thought that I wanted to get rid of them so as not to be caught with a hot stock; that is quite obvious. That certainly was not the case, and I will give you the date I sold. On February 26, 1957, I sold 3,500 shares for a net of \$49,840. Why did I do that? I sold those shares on February 26; the sales slips are there, and I would just venture the figure that they may have been at \$13. Mind you, they went to \$28. Had I known they were going to go to \$28 I might have hung on to them. But the reason I sold them is that I felt that this was an unrealistic valuation on that stock; somebody had boosted the price up, and therefore it may come down fast, and I moved that investment to other stock. On March 26, a month later, I sold 1,000. In May—

**The Joint Chairman Senator Lang:** What price was it then?

**Mr. Landreville:** Well, Mr. Chairman, I would like to be able to give you that. I sold it for 1,000 for \$17,440. That would make it, what, \$17?

**An hon. Member:** Approximately.

**Mr. Landreville:** Then on May 15, 1957, I disposed of another 1,000 for the price of \$22,590; that would be \$22. So the remainder, which was 1,500 shares I kept until May 5, 1958, and disposed of them for \$17,685. I say to you that the reason of these sales was because I was elated with the increase in price, but I felt that the bottom may drop out. When I sold on May 5, there was no tempest in the air, no scandal, nothing. In other



words, it was not rumours, or anything that prompted me to dispose of this stock in an endeavour to hide something. I sold it for the price at which they were listed.

**Mr. Bell (Carleton):** May I just interrupt there, Mr. Justice Landreville?

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** After May 5, 1958 you had no shareholding at all in NONG?

**Mr. Landreville:** No, sir.

**Mr. Bell (Carleton):** Then having regard to your letter of September 19, 1956, would you explain the phrase "remaining active in the company" as wanting to remain as a shareholder of the company; how did you propose to be active in the company after May 5, 1958?

**Mr. Landreville:** Well, the word "active" there, means simply: I am going to follow the progress of that company, because I had some interest in it.

**Mr. Bell (Carleton):** But you had no interest after May 5.

**Mr. Landreville:** Well, you are referring to what letter, sir?

**Mr. Bell (Carleton):** I am referring to your explanation of your letter of September 19, 1956, where you said that remaining active is going to be following with great interest the progress of the company.

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** I am asking you, after you had disposed finally of all your shareholdings, how did you propose to remain active, to use your own phrase, in the company?

**Mr. Landreville:** Well, of course, in September 1956, let us not forget that we cannot use hindsight to that extent, I did not know that that stock would get up in February of 1957. Therefore, I disposed of it by May of 1957, and I never did anything after; I did not even look at the stock ratings. I heard, of course, once in a while that this stock was going up to \$28, but I stopped there; there was no more I could do.

**Mr. Bell (Carleton):** Then you had changed, by that time, the resolve that you had made when you wrote the letter of September 19, 1956.

**Mr. Landreville:** Yes, sir. In September, 1956, I had intentions of watching the rise and the progress of that company.

**Senator Fournier (de Lanaudière):** Where is this stock today?

**Mr. Landreville:** I do not know.

**Senator Fournier (de Lanaudière):** Does anybody know? I would like to know.

**Mr. Y. Fortier (Legal Counsel):** It is in the news these days; I have read about it, but this has nothing to do with the inquiry. If you look at the financial page of the *Montreal Star* last week, you will see what I have referred to.

**Mr. Landreville:** It may be—my best guess is that it is between \$25 and \$28, which may vary.

**Mr. Fortier:** Mr. Justice Landreville, you started out, if I may, explaining what in your opinion was the valid consideration which was given by you for the acquisition of the shares. You ended up speaking of your sale of the same shares. I think the Committee should be very clear as to what you pretend is the "valid consideration" which you gave in February, 1957 and in exchange for which you received free 7,500 shares of NONG.

• (10.00 a.m.)

**Mr. Landreville:** In February 1957 was the carrying out of a promise from Mr. Farris to me and my promise to him. That was our mutual undertaking arising from September and confirmed from October.

**Mr. Fortier:** But consideration, Mr. Justice Landreville, as we all know and as you better know than us, is a legal term. I think the Committee should be told what in your mind the legal consideration was for the acquisition of the stock.

**Mr. Landreville:** Well, if, by comparison a breach of promise suit where there is mutual exchange of promises between parties, can be argued, there is consideration.

**Mr. Fortier:** Here, on the one hand there is a patent—if I can use the word—consideration, 7,500 shares of NONG worth at one time or another X dollars. I ask you the question on behalf of the Committee, on the other side of the coin, what did you part with? What consideration did you give which made this a binding transaction, a binding contract?

**Mr. Landreville:** Now, you recall very well last week; I hope, Mr. Fortier, you are not attempting by your questions to have me unsay what I said, that in my opinion, I could not enforce that contract. First of all, it was not in writing and the apparent consideration for which it was originally given had disappeared, admittedly; but it was one man's word against the other.

**Mr. Fortier:** Except that as you read the first conclusion, sir, you stopped at "for which no valid consideration was given".

**Mr. Landreville:** Yes.

**Mr. Fortier:** A few minutes ago and you started explaining and I think the members—you appeared, as Mr. Bell points out, to take exception to the fact as Mr. Justice Rand says "no valid consideration was given". I was very interested, as I think the members of the Committee were, to find out what in your mind was this valid consideration which had been given and which created this contract.

**Senator Cook:** You tell us what is wrong with that sentence?

**Mr. Bell (Carleton):** Yes, that is really the only point. Do you object to the phrase "for which no valid consideration was given".

**Mr. Landreville:** In that sense, sir, I told you, I said last week, that there was in my opinion no binding agreement because of lack of consideration. Did I not say that?

**Mr. Bell (Carleton):** Do you object to the phrase "for which no valid consideration was given"?

**Mr. Landreville:** No, no. That is clear. I said several times, and I have repeated the arrangement that I had with Farris that if he had not kept his word I could not have succeeded in a law court but the point is after all, gentlemen, while a contract may be difficult to enforce as a matter of proof, does not deny the existence of it.

**Mr. Fortier:** But would you say this was a contract of gift?

**Mr. Landreville:** No, not in that sense. If you promise to do something tomorrow in exchange for my promise to do something tomorrow, then I would say that our mutual promises supply the consideration.

**The Joint Chairman Senator Lang:** What was your promise under these circumstances?

**Mr. Landreville:** To buy. My promise was to buy that stock in February or March or July, if that stock had been \$2.50 I would have kept my word with Farris.

**Mr. Bell (Carleton):** But, Mr. Justice Landreville, may I suggest that what we are interested in is those parts of the Rand Report to which you object. Now, you have told us you do not object to this statement "for which no valid consideration was given" and I venture to suggest you go ahead to those parts of the report where you do object.

**Mr. Landreville:** Well, gentlemen, Mr. Rand considers there is no valid consideration enforceable in law, I agree with him. I repeat that my side of the bargain I would have kept and he would have kept his side of the bargain: that is it.

"Notwithstanding the result of the preliminary inquiry into charges laid against Justice Landreville, justifiably giving rise to grave suspicion of impropriety". Now I ask you, gentlemen—

**The Joint Chairman Senator Lang:** May I just interrupt to ask you a question, Mr. Landreville?

**Mr. Landreville:** Yes.

**The Joint Chairman Senator Lang:** Some days ago in this Committee meeting I asked you whether the option arising out of your letter of July 28, became a contract, a binding contract, by virtue of your conversation with Mr. Farris in September. At that time you said: "No, it did not". Now, it would seem to me that that statement is not consistent with what you have just now said to the Committee that there was a mutual exchange of promises giving rise to an unwritten contract of purchase and sale.

**Mr. Landreville:** My counsel and I disagree on this point. It is a question of possible, sir, if I gather your question correctly, are we considering here in the abstract the existence of a contract or the question of proof, of being able to prove the contract?



**The Joint Chairman Senator Lang:** I think we are not concerned at all with the latter matter, the question of proof.

**Mr. Landreville:** In the abstract, if you take the mutual exchange of promises, a handshake and an acknowledgment with another person and that to be binding, it is binding in that sense. There is no exchange of the one dollar. The *quid pro quo*, as the expression goes, is the mutual exchange of the promise.

**The Joint Chairman Senator Lang:** You are then saying you were obligated to purchase those shares as of the time of your conversation with Mr. Farris in September. You were under an obligation, albeit a moral obligation, to purchase those shares as at that time?

**Mr. Landreville:** I consider myself so. I have said that in all the hearings that I would have kept my side of the bargain and he kept his side. Does that answer your question?

**Mr. Fortier:** I think the ancillary question would arise, Mr. Chairman, why would the promise be made by Mr. Farris on behalf of NONG, in the first place, to Mr. Justice Landreville. I do not want to go over testimony you have already given but if—

**Mr. Landreville:** I have already read—

**Mr. Fortier:** Yes.

**Mr. Landreville:** Do you want me to read—

**Mr. Fortier:** No, that is fine.

**Mr. Landreville:** —what Clark, for instance, said.

**Mr. Fortier:** No, no, no. I am not putting myself—my question does not relate to July of '56 but rather to the time after you were appointed to the bench.

**Mr. Landreville:** Yes.

**Mr. Fortier:** Why would Mr. Farris on behalf of NONG at that point make that special offer to Mr. Justice Landreville, as he then was?

**Mr. Landreville:** Well, you call it special. Was it special?

**Mr. Fortier:** Special in the sense that the only other people who had ever benefited from such offers were actual officers and employees of NONG.

**Senator Cook:** Or other mayors.

**Mr. Fortier:** None of the other mayors, I think, Mr. Justice Landreville would have to agree to that, had nearly as substantial an offer as Mr. Justice Landreville did. That is why—

**Senator Cook:** They had an offer.

**Mr. Fortier:** Some of them subscribed in June, 1957, all the time of the public issue, and others for them, I believe.

**Mr. Landreville:** Options were given in May, I believe, before the stock was out, to a list of other mayors, to mayors and municipal officers.

**Mr. Fortier:** All in connection with the public issue. They were given first pick.

**Mr. Landreville:** Yes, they were given an option; short term option.

**Mr. Fortier:** But none of them were given an option of 10,000 shares.

**Mr. Landreville:** No. And the reason is—again, you are using hindsight. Place yourself in October. What was the value of those shares in October? What was he actually giving. He never thought this would go up. Mr. Farris, he never thought it would jump to \$10 and \$12. Nobody had. And that is in the Ontario Securities Report.

**Mr. Fortier:** Was he negotiating with the Metropolitan Life at the moment?

**Mr. Landreville:** Oh, no, that was in February.

**Mr. Fortier:** It was closed in February, but it was before the Ontario Securities Commission that he said they started their discussions with Metropolitan Life way back in the fall.

**Mr. Landreville:** I am not aware, I am not aware of that. Sure he was negotiating, trying to get his money.

**Mr. McCleave:** If the stock had gone down to \$1 would you have felt yourself bound to purchase it at the \$2.50 price?

**Mr. Landreville:** I felt myself bound to purchase it even if it had gone down. I would have been sorry for myself but I would have kept my promise. I have done many deals that way. I can tell you that you buy something thinking it is going to go up and surprisingly it goes down; on the best tips that happens. Any further questions on this point?



Well, I was just dealing with the "rise to grave suspicion of impropriety". I may again repeat, and it seems clear from the evidence that the basis of our relationship between Mr. Farris was one of friendship. I considered it then and I consider it still today an act of privacy. That is my personal affairs. This impropriety, when one asks this question, suspicion of impropriety, I ask you, every time you see that word, impropriety of what? And to that you will say impropriety of undue influence of influence on the council, moving forward the urgency, or any special consideration shown in fact; in fact, not one fact indicates that. There were no acts done by me at any time to show favoritism to this company. I think, Mr. Fortier, you will endorse that. Is that correct, Mr. Fortier? I do not want to misquote this. Nothing done and therefore in that field, even though I was a mayor, I considered this a personal investment in a private matter.

**Mr. Fortier:** You spoke of suspicion. I agree with Your Lordship, and there is indeed no allegation in the Rand report that such influence was used.

**Mr. Landreville:** He does not say so.

**Mr. Fortier:** No, he does not say so.

**Mr. Landreville:** Why does he not?

**Mr. Fortier:** You speak of "impropriety of what"? You say "impropriety of influence". I ask you the question, could it be suspicion of impropriety in the way of a reward?

**Mr. Landreville:** Very well, reward for what I might ask? So that Sudbury would give its franchise to NONG? I think on the facts it is established that NONG was going to serve Sudbury eight months before I knew facts, namely, in March of 1955, that is proven. It shows without doubt, whether I had this option or not Sudbury would have gas with NONG today whether I had never been mayor.

**The Joint Chairman Senator Lang:** But would they have had it as expeditiously as they did, Mr. Justice Landreville?

**Mr. Landreville:** I can say, sir, that the facts show the reason for the expediency, and the reason why is because the Trans-Canada Pipeline was effective and C.D. Howe's message was quite clear. The correspondence is there and it was not expediency, by the way, because we started in May, and remember Mr. Crozier coming to us and saying "get this

through". Remember Mr. Crozier was disappointed at the delays encountered by the city solicitor from meeting to meeting to meeting and postponing the reading of the bylaw. It was passed on July 17, sir.

**The Joint Chairman Senator Lang:** I think Mr. Justice Rand implies that you may have been blocking the conclusion of this transaction, and, by slowing down the procedures of your council or your municipality thereby putting the whole project in some jeopardy, and that these 7,500 shares may have been given to you in consideration for your refraining from blocking or slowing down the progress of the matter.

**Mr. Landreville:** May have been given to me to slow down?

• (10.15 a.m.)

**The Joint Chairman Senator Lang:** To induce you to refrain from blocking or slowing down the progress of the matter.

**Mr. Landreville:** The answer to that question, Mr. Chairman, is at page 91, right in the middle of the page. If you look to the right:

But the urgency in the spring of 1956 was real and the considerations focussed were weighty. They might be looked upon as in any event overriding any adverse influence of the Mayor, but that would not affect the character of an agreement if any, to advance NONG's interest.

So, what he says there, that the events themselves would override any influence I, myself, could use.

**The Joint Chairman Senator Lang:** It goes on to say that, notwithstanding that fact, you may have created in the mind of Farris that your adverse influence was going to adversely affect the whole transaction.

That is what I would read from the phrase after the word "but" in that sentence.

**Mr. Landreville:** I can only call on Mr. Fortier to say in the evidence why the franchise was being delayed. I have a file on it showing from date to date: The city solicitor said he is not ready; then that he wants more explanation; then we have a public hearing on June 7; then we go down to Toronto, is that not right?

**Mr. Fortier:** There are innumerable things without your purview which were responsible for the delay, that is so; but I do not think

the chairman's question goes to that. I do not want to paraphrase it.

**Mr. Landreville:** I am trying to understand your question. In the concrete on the transcript there is no fact of that. Is that correct, Mr. Fortier?

**Mr. Fortier:** That is a fair statement, indeed.

**Mr. Landreville:** There is no fact showing at any time that I was trying to hold anything up. Quite to the contrary, I am the one that instituted the matter; right after the telephone call of C.D. Howe, I told the city solicitor "get going on that franchise", but there were delays, and delays. We came to Toronto; we saw Mr. Crozier; he came up to Sudbury, explained everything to the whole council "there is nothing wrong with your agreement, sing it" and it still took two weeks after that.

**Mr. Fortier:** I think the Chairman's question was, could not all these factors have induced Farris to think that you were not a stranger to them; was that what you were saying, Senator?

**The Joint Chairman Senator Lang:** Perhaps something more than that. I will try to phrase it more accurately. I would take it that Mr. Justice Rand is implying that, notwithstanding that the events would override all these considerations, and that notwithstanding NONG would service Sudbury with the gas, that the then mayor of Sudbury could create in the mind of Farris a very real concern that he would adversely affect the course of events. Evidence of this, of course, could only have come from Mr. Farris himself in the hearing.

**Mr. Fortier:** He never testified along those lines.

**Mr. Landreville:** There is no evidence of that neither from Farris or myself. The chain of events are quite clear, and Mr. Fortier will bear me out on this, as to who was negotiating about the franchise; I, in the middle of it, no. I referred Mr. Farris to the city solicitor and to the city engineer, "You fellows talk over the terms of the franchise"; and I did not interfere with it. Is that not right, Mr. Fortier? Is that not a fair statement?

**Mr. Fortier:** Yes, it is indeed a fair statement. On occasion matters would be referred to you for decision—

**Mr. Landreville:** Yes.

**Mr. Fortier:** —when stalemates were reached?

**Mr. Landreville:** Yes; one time I recall, they came up and Mr. Farris complained. He said "the city solicitor wants a clause for the right to expropriate in five years". Farris said "that is absolutely unreasonable and unrealistic" and he complained. So, I said to the city solicitor "do you think that is reasonable? We will discuss that with Mr. Crozier". Mr. Crozier said "it is untenable; no company is going to stall the gas".

Now, gentlemen, we are still on the question of, I say, a grave suspicion of impropriety; if any fact existed of impropriety at that time, I would say, there may be suspicion; to me I will refer always, view suspicion of impropriety of what? And we stop there.

**Mr. Fortier:** Could not a reasonable man—maybe misinformed, to use a word that you quoted yourself last week, and this is a question that Mr. Cashin asked you—*ex post facto*, looking at the dealings of NONG with the city of Sudbury, with a view to obtaining the franchise, these dealings culminating on the night of July 17 with the third reading of the bylaw, this same reasonable man seeing you with Mr. Farris, you, as mayor of Sudbury after the third reading, a few hours later discussing your possible employment with the company and your financial interest in the company, this same reasonable man seeing two days later the president of NONG sending you a letter making you a very special offer, one which was only made to those employees or officers of NONG, the same reasonable man three months later after your elevation to the Ontario Supreme Court another—to use your own words—offer and an acceptance of this preferential treatment, could not this reasonable man entertain doubts about the propriety of the transaction? I think this is the crux of the matter, Mr. Justice Landreville.

**Mr. Landreville:** You started off, Mr. Fortier, by saying—using my own words—the uninformed man. Frankly, I will admit—I will go along with you—I can only say that I am not concerned with the uninformed. This morning, the hon. member had the kindness to point out an editorial. I could show you editorials: "The mayor was there, and two days or three days after the franchise was passed, he made \$117,000." That is a cold fact, as it is. Disregard the unexpected rise in the price of shares, disregarding all other facts, so it flares in the imagination.



**Mr. Fortier:** But, sir, could not such an uninformed man become either plaintiff or defendant in your court tomorrow? In the event of an adverse judgment to him, what would be his reaction towards you, uninformed as he may be, if he had these facts before him?

**Mr. Landreville:** Now, you are speaking of reputation, are you not?

**Mr. Fortier:** I am trying to speak about a suspicion of impropriety.

**Mr. Landreville:** That is, whether a judge has, in his past, indulged in, in the uninformed person's mind, suspicious dealings. Is that not what you are hinting at? On the question of reputation—

**Mr. Fortier:** It was not all in the past, though, was it, Mr. Justice Landreville? You were actually on the bench, or knew you were going to be appointed, when this second stage of the transaction took place, namely, the purchase and sale at \$2.50.

**The Joint Chairman Senator Lang:** May I have been wrong in that assumption, at the time?

**Mr. Fortier:** No, you are not wrong.

**Mr. Cashin:** Mr. Chairman, I was going to raise a point of order earlier regarding the questioning of Mr. Landreville but I did not get the floor, and I was about to raise a supplementary on Mr. Fortier's question, but in fact, Mr. Fortier did ask it although it could be pursued further. It raises in my mind the procedural question of whether or not we should allow Mr. Landreville to go on uninterrupted; and if we do have questions to come back to them so that there may be a little more order—discipline—in our questioning. This matter which our counsel has brought up is something that I believe is quite crucial and perhaps could call for some further questioning. Whether we should do it at this point, and spend a lot of time at it, is something that I have some doubt about. So, I am wondering what the Committee feels about allowing Mr. Landreville to conclude, and then if we have some questions we can make some notes of them. I think it would also be helpful to Mr. Landreville in as much as it will allow him to continue in his own logical way.

**Mr. Landreville:** I would appreciate, Mr. Chairman, if I was allowed to continue; I am going to come back to those points.

**The Joint Chairman Mr. Laflamme:** If I may deal with the question of your point of order, Mr. Cashin, I really think that it would be in order to allow Mr. Justice Landreville to tell us anything he has to say regarding the conclusions. After that, I think it would be appropriate that we ask members to ask questions, if they have any, taking the conclusions one by one.

With regard to this question of suspicion of impropriety, I really think that it is close to the main issue that we will have to decide ourselves. We are entering, not into facts, but into matters of opinion. I think if we ask Mr. Justice Landreville if there is any suspicion of impropriety, he can then answer by giving his own opinion; but the question of judgment regarding suspicion of impropriety it is up to us to decide. It seems to me if we follow any further along this line of discussion, we will be getting into the field of our own deliberations. This is what I think right now; but if I have the consensus of the members, we should allow Mr. Justice Landreville to deal with the second and third conclusions of Mr. Justice Rand. Then, if there are members who have questions they will be allowed to ask them in order.

**Mr. Landreville:** I appreciate that way; it will make my task easier.

The point I am coming to is, "rise to grave suspicion of impropriety" and that is referable back to page 91, at the top. Look at the top of page 91, if you please:

The acquisition was the conclusion or relations which bear in their train a deep suspicion of impropriety.

In so far as the relations, if he refers to relations of friendship, that I agree with.

It is originally related to Justice Landreville as Mayor, as a reward for influence in bringing about the grant of the franchise—

You all know now the facts: That there is no evidence of the question of influence.

—or in hastening the grant—

Neither is that substantiated. In fact, what I just quoted in the middle of the page a few minutes ago that the urgency was overriding and the urgency was not such between May to July; that is how long it took us. There are no facts to show that I was either impeding the progress of the franchise or pushed the franchise to go forward as fast, except to deal with it.



• (10.30 a.m.)

Now the next point that the Commissioner made is at page 107:

—it was obligatory on Justice Landreville to remove that suspicion—

Gentlemen, when we speak of suspicion we speak of belief and we are getting close to the question of faith and we are getting close to the field of morality and that varies, I submit, with individuals. There are—and I do not wish to be facetious—certain types of women that without any reason whatever suspect their husband to be unfaithful. There is another type of woman who, on seeing a red smudge on her husband's collar, will be logical. She will say: "A woman approached you." She is a very reasonable woman. But there is another type of woman who will think, on seeing a red smudge, the gravest of infidelity. She is not only suspicious without foundation, but unrealistic in believing her husband went to bed with his shirt on. That is illogical. You have these types of suspicion.

**The Joint Chairman Mr. Laflamme:** Mr. Justice, I think you are joking, but are we not getting a little far from the bench?

**Mr. Landreville:** Yes, we are. Possibly it is the influence of the divorce cases I have heard.

This is a serious matter, because then we deal with beliefs and I say, gentlemen, let suspicion exist traceable to a fact existing, then I am willing to argue if that fact is there. Then you have reason to be suspicious. If one alderman had said well the mayor told me one day something about NONG or he did this—however, small a fact then one type might infer what one may have in his mind—a justifiable suspicion. But you cannot have suspicion here.

Gentlemen, may I give you an example on that score—a question of belief. We are getting close to religion; we are getting close to faith. One believes in something and certainly I do not want anybody to impose his faith, his beliefs, his suspicions of the existence of this or that on me, nor will I impose it on them. That is part of being a good Canadian. I will give you an example, and I do not wish it to be interpreted as being nasty in any way. We are speaking of morality and conduct. In Ontario, in the years gone by, there was a Chief Justice MacAuley—his oil painting is in Osgoode Hall—and I read where after he was retired as a judge he served the federal government on some commission and when asked what his honorarium should be he said: "I am

already under a pension from the federal government and I think it is my duty to serve my country and I will free of charge." He actually refused to charge a cent. There is another commissioner who charged \$24,100 for eleven days of sittings, that is his business. If I could get Chief Justice MacAuley to confront the other commissioner and have them argue their morality, their sense of propriety, then we might have an interesting debate. But I do not think when we deal with conscience—matters of conscience—one should endeavour to impose one on the other. That is my philosophy. I have lived that all my life.

Had you heard John Fisher—I do not want it to sound as if I am making a speech but it maybe my last one, Mr. Chairman, so in that respect bear with me—Mr. Fisher could have told you what kind of Canadian I am—where I have lived most of my life with 28 races—that is the type. I love all Canadians. I have yet to meet a Canadian I do not like but he may be very different from me in beliefs, faith and sense of propriety.

I would just like to summarize this point about the conclusion of Mr. Rand in this way. Come back with me to 1956, in July and you know that this affair of franchises is finished. You, as a man, with a family to raise, know that the following year you are not going to be mayor and you like the association of this man and you have faith and confidence in the company—can anyone tell me or did I have a crystal ball then—gentlemen, that is the crux of it—to tell me that that stock would rise in February.

Did I know in 1958 that three cabinet ministers in Ontario would resign over the ownership of stock. Did I know that in 1962, there would be a commission and I would be brought up before a court on baseless charges. This is an interesting comment. One might think for a moment how it is to feel—to be brought up in court and then find there are no facts whatsoever. I did not know that in advance—none of these things—nor did I go and poll the aldermen and controllers to find out if they were going to give evidence for or against me—nothing. I am not that type of a man. Did I know that following this preliminary hearing in Sudbury that the Minister of Justice would return me to my office; that I would continue and serve some 13 months, that the Law Society would come up with a report ex parte—not consulting me at all—and I am not a member of that society. I am not going to deal with the Law Society report

except for one thing. I will just quote to you the first paragraph—let us look at the first paragraph at page 110:

At the meeting of Convocation of the 15th January 1965 it was moved and carried, that the Treasurer appoint a special committee to consider and report on what action, if any, should be taken by Convocation as a result of Mr. Justice Landreville's decision to continue to sit as a Judge of the Supreme Court of Ontario.

What was the setting then? At that time, gentlemen, I had been at the preliminary hearing—the magistrate had said there are no facts; he stated my innocence and I had come back with the permission and direction of the Minister of Justice to my work, and I should have resigned. So the inference there—is it to be drawn that it is sufficient to charge a judge with a criminal offence whether founded or not and he should resign? Do you subscribe to that principle? Do you agree with the premise on which the Law Society proceeded that it is sufficient just to appear in court? Can you imagine, gentlemen, to set that precedent how dangerous it would be for the judiciary. I do not want to indulge in oratory—but threats, blackmail and that sort of thing to say to a judge. Surely a judge in that field stays as a private citizen. If he has committed a crime, if there is any kind of evidence, of course he must resign. I will even go further than that. If Magistrate Marck had sent me up to trial, gentlemen, that would have meant that there was some evidence even though I might have been acquitted at the trial. There was not. As long as there would be some evidence, if it hinged on credibility, then my word would be no good because then I would say that the citizen has the right not to accept my word. That is how far I will go. But I can sense it, having been brought to court. It was done, with whatever motive it was done to clear the air against four men—not a tittle of evidence said the magistrate.

I will leave that point and just analyse the captions yourself of the Law Society Report. It places questions to themselves and they say these are unanswered and from these unanswered questions we infer that. That is the type of logic.

You have before you, filed as an exhibit, to close this part of the discussion, the letter of Magistrate Marck. I would have liked Magistrate Marck to be here, but in view of this not being a court I presume that you will allow me—because I am still under oath—to

tell you what my information is. That letter was sent to the Law Society—it was acknowledged but he was never invited to supply any information. He was never invited to answer the questions—the unanswered questions.

I was never approached to give any and the answer to those questions is right in the evidence said the magistrate, and they did not retract any part of that report to the Minister as I asked them, as the magistrate asked them. I am not going to give the appearance here, gentlemen, that I am fighting the whole Law Society. No. I can assure you that by and large throughout the province I think very highly of every member of the bar. But there were within that group 14 who voted for this—eight against and six who said: "We absolutely refuse to touch it". Four did not appear because of conflicting interest, including my own counsel, Mr. Robinette.

Gentlemen, I am not going to say another word about the Law Society unless you want to question me. I say, with respect to the conclusions of page 107 which states that I have—and I quote:

—constituted a gross contempt—

**Mr. Fortier:** Excuse me. Are you reading the first conclusion?

**Mr. Landreville:** I am reading the second one.

**Mr. Fortier:** Mr. Chairman, I wonder if I may be allowed—I do not want to ask a question but—

**The Joint Chairman Mr. Laflamme:** Very well.

**Mr. Fortier:** In view of the fact that His Lordship has just spoken about the last sentence of the first conclusion may I be allowed to relate to His Lordship and to the Committee a sentence that I have already quoted of his testimony before Commissioner Rand at page 1253, which I think can be related to Rand's statement that it was up to Landreville to satisfactorily establish his innocence?

In having asked for a Commission—

You said before Commissioner Rand—

—it is not a matter of defending myself against an accusation of crime or a breach of ethics; I am here to prove my innocence—

There words could indeed be related to what Commissioner Rand said.

—I feel that that is my duty, and I want to be judged by the severest test, because



I have lived, as I believe, by the severest test.

• (10.45 a.m.)

**Mr. Landreville:** Yes. Let us understand. I am willing to bear the onus of establishing facts for my innocence in my dealings in Northern Ontario Gas. I refuse to accept the onus of removing from every person's mind a suspicion which I claim, then, is unfounded. That onus I cannot remove. Do you follow? I accept the onus. I have done everything—

**Senator Macdonald (Cape Breton):** Before you leave that first conclusion could I ask this question? Did Mr. Commissioner Rand at any time during the hearings say to you that he was convinced there was a grave suspicion of impropriety and it was up to you to prove your innocence?

**Mr. Landreville:** No, sir, at no time. In fact, let me elaborate, that is why I had asked for the Minister of Justice to be here, because I went to this inquiry with open mind, with my files and anxious to get the facts into my dealings with Northern Ontario Natural Gas into that. That is what I limited my evidence. The eleven books you have here aim toward that influence. Questioned every alderman, the whole history but no improprieties. I would not engage with Mr. Rand in discussing proprieties or improprieties. That could have been established had I had Mr. Robinette here because the basis of the Minister's letter, the Commissioner will deal with the facts into my dealings and exclude impropriety specifically. Do you want me to—December 28th—I will just read the—"a Commissioner would have no jurisdiction to make any judgment or order. His sole function would be to ascertain and report on the facts." To give you another quote he said that if I do not consent to a commissioner I will have a committee of the house. So he said "such an inquiry would be founded on an allegation of impropriety". Yes, no, would, that is an inquiry by a committee of the house. "I should have thought that the judge would prefer an open inquiry under the Inquiries Act, that is not founded on an allegation of impropriety and would be designed simply to ascertain the facts". Lower again, well, the rest is irrelevant. This is a letter to Mr. Robinette written by the Minister of Justice, December 28th.

**The Joint Chairman Mr. Laflamme:** Was it before the order of—

**Mr. Landreville:** It was before the Order in Council and my telegram sent by—"We authorize you to proceed with an inquiry into the dealings of Mr. Justice Landreville".

**An hon. Member:** What year was that?

**Mr. Landreville:** 1965, and the order to Mr. Rand was in January, I think.

**Mr. Fortier:** Subsequent?

**Mr. Landreville:** Yes, oh, yes. I am not—these are things of the past, quite correctly Mr. Chairman, but I want to tell you when I come to read the terms of reference I took to be strictly into the dealings and the covers ever cover book. There is only one there but every cover book "into the dealings of Mr. Justice Landreville," "inquire into the dealings of the hon. Léo A. Landreville with Northern Ontario Natural Gas."

**The Joint Chairman Mr. Laflamme:** Mr. Justice Landreville, I just want to be clear about that. Do you intimate that you still feel the Order in Council or the terms of reference in the Order in Council were not clear enough?

**Mr. Landreville:** I do, sir. I submit—just a moment—I read the Order in Council in the light of the Minister's letter and I gave a bad interpretation.

**The Joint Chairman Mr. Laflamme:** But then if the terms of reference in the Order in Council had been clearer, to your satisfaction, would it have added anything to the testimony you gave before Mr. Justice Rand?

**Mr. Landreville:** Yes, sir.

**The Joint Chairman Mr. Laflamme:** On what grounds?

**Mr. Landreville:** Then, if it had said and whether proprieties—if it had dealt with proprieties, code of ethics, I would have brought witnesses in front of Mr. Rand.

**Mr. Bell (Carleton):** May I ask whether that letter was ever made an exhibit before Mr. Rand? Was he aware of it?

**Mr. Landreville:** I do not know, sir.

**Mr. Bell (Carleton):** Was it made an exhibit?

**Mr. Landreville:** No.

**Mr. Bell (Carleton):** Well then Mr. Rand would not be fixed with knowledge of the correspondence, presumably.

**Mr. Fortier:** Surely, the terms of reference in the Order in Council would not be over-ridden by a private letter written sometime before.



**Senator Cook:** I would like to ask in what way would the letter you received—what evidence would you have produced before Mr. Justice Rand today?

**Mr. Landreville:** Very well, character evidence for one thing which really,—in this report of Mr. Rand, he describes me in all sorts of terms, Senator and I would have brought in several character witnesses, of course. Then discussed proprieties, ethics of municipal officials. None of that was discussed.

**Senator Cook:** You make up your own mind about ethics. Everybody makes up his own mind about what ethics are. You do not have to have Mr. Justice Rand or anybody else to tell you they are right or wrong.

**Mr. Landreville:** Well, there are things, of course, in the field of ethics, basic principles, which everybody is more or less unanimous, such as conflicts, serving two masters or, let us say, serving one's personal interest, prying favours out of people because of one's municipal office or elected office. That is, I think, improper. I would have liked to discuss that with Mr. Rand.

**Mr. McCleave:** May I ask, Mr. Justice Landreville, is not a fair reading of the letter or one possible interpretation of it that Mr. Justice Rand was simply going to be empowered to inquire into things, but could not order specific punishment. Is that not really what the letter does say?

**Mr. Landreville:** No, no. The very essence—understand sir, Mr. Fortier is not quite correct in his relations. May I answer this way, give you, so you can follow me. Back in 1963 or 1962 I did telephone Lionel Chevrier, the Minister of Justice. Then I—there were visits to Mr. Favreau later on. There is a letter on file asking for a commissioner to be appointed. That I did in June of 1964. Then—

**The Joint Chairman Mr. Laflamme:** I just would like to point out to the members at this time and to our witness, Mr. Justice Landreville, that we will not make any progress in discussing the legality of the Rand Commission. We have before us the terms of reference which clearly speak for themselves, and we have the Rand Report. I do not think it would be of any help to the members to discuss the legal aspect of what Mr. Landreville thought the terms of reference meant. But I think we should stick to the conclusions

themselves. We do not have to reach any decision as to the legality of the Rand Report.

**Mr. McCleave:** My question, Mr. Chairman, is simply on the question Mr. Justice Landreville has raised this morning which I think is a proper one, as to what issues or what he felt he was confronted with before an inquiry. Now, I gathered from the excerpt he read from the letter that the Minister of Justice was advising them that the inquiry would not have, in itself, the power to impose any punishment or discipline, but simply was to ascertain facts. This was the sole reason for asking the question. It seems to me that perhaps Mr. Justice Landreville took a wrong interpretation of the letter but I may be wrong. That is what I want to clear up in my own mind.

*(Translation)*

**Mr. Goyer:** If, sir, you will allow this question, I think we are indirectly doing what we decided we should not do. We have decided that it was of no interest to the Committee to hear either the former or present ministers of Justice. And from the way in which the questions are being directed at the present time, we are opening the way to the possibility of having to hear these ministers, whereas we have clearly given it to be understood that our discussions would not progress were we to hear such evidence. The terms of reference are there. They are clear and if we interpret correctly, I don't think we have to be enlightened further. Where we need enlightenment is in conclusions at the end of the report, as had been decided at the time of the last meeting. We were to discuss new facts bearing on the conclusions of Justice Rand.

**The Joint Chairman Mr. Laflamme:** I brought up the question precisely because we are getting into a debate to find out what do the terms of reference mean.

**Mr. Goyer:** And it would not be a minister of Justice, either present or previous minister who could enlighten us in that regard. I feel that Mr. Justice Landreville, being a judge, is well aware of what the terms of reference are without referring to documents that have no legal value in comparison with an order of this sort.

**Mr. Landreville:** May I reply, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Let's say it is a point of order. A point raised by one of the members of the Committee, and if

you will allow, we will find out whether you yourself or your council, Mr. Robinette, had sufficiently understood or interpreted the mandate setting up the Rand Commission. The fact is that in reply to a question that I put to you a minute ago, you stated you did not fully understand the scope or meaning, and you did not realize that Justice Rand would reach the conclusions which he has written into his report and if that had been the case, or if you had foreseen this would be the case, you probably would have developed your evidence differently before him. And I ask you therefore, on what point? We are here, a committee in charge of making a report to the House. We have the Rand report before us and from the very outset, we have, I believe, provided opportunity to yourself and other witnesses who might add evidence in regard to facts already established before Justice Rand. But in regard to the legality or interpretation of the mandate of Justice Rand's Commission, you could perhaps tell us things you might not have said before the Rand Commission that you would not have been empowered to say before Justice Rand. You are here to inform us of facts which we may consider relevant to the case.

**Justice Landreville:** Mr. Chairman, the arguments which I bring forward as a background to the Justice Rand Commission are arguments that I consider as arising from natural justice and Mr. Justice Rand, in his report, accuses me of impropriety, of misconduct, and I said it was not what I understood nor what my counsel understood...

• (11.00 a.m.)

**The Joint Chairman Mr. Laflamme:** You will readily understand that Justice Rand, according to the terms of reference that established him as commissioner did not have to ask you for advice as to how he was to proceed. It was up to him to establish the rules of the inquiry. And you, I think, were bound before the commission to raise any point. At no time, were you prevented from bringing before Justice Rand any of the points you might have wished to bring before him. You had opportunity to give evidence. You were represented by counsel, and I should not wish,—unless you prove it by facts—you to give us the impression that you were misunderstood, you were misinterpreted or that Justice Rand had not given you the full opportunity that was yours, to establish before him all the facts that were relevant, that were to be clearly established and simply established before him.

(English)

**Mr. Landreville:** May I answer in English.

That is exactly what I claim here. Mr. Rand finds me guilty and unfit for acts of improprieties or suspicions, suspected acts of improprieties. I affirm to you that if that had been the subject matter of the inquiry, with the background given to me, I would never have put my head in the hands of a man as Mr. Rand, in the hands of one man, first of all, because his ethics, his code, his beliefs may be entirely different than mine. I would take 12 reasonable men, that is the standard.

**Mr. Fortier:** Now you have 18.

**Mr. Landreville:** Yes, but I want to tell you that Mr. Rand did not give me, nor indicate to me anywhere by questioning that he was going to touch the question of the code of ethics. Is that right, Mr. Fortier? There was not a word of code of ethics, or proprieties, not one word in the entire evidence. And the basis of his judgment or decision is that very thing. Now, we started; if you want to hear evidence—and I know it may be called self-serving evidence—I had a long conversation with Mr. Robinette plus correspondence three days after the Rand inquiry, that I suspected that he was going to go on some tangent. I am not afraid of facts. I am here to answer facts. Now let us just revert and if you want I would just repeat that I did not misunderstand this letter. However, the first thing to be done in my judgment is to ascertain what the facts are, that I was willing to go.

(Translation)

**The Joint Chairman Mr. Laflamme:** I apologize, Mr. Justice, but how does that change facts, that the minister of Justice wrote a letter indicating what the main purposes of the Rand Commission would be? How does this change the situation, when you gave evidence for more than two days before Justice Rand. The enquiry was a public enquiry, the mandate was clear, you were accompanied by a counsel, and, I, again, put the same question: is there something that you would have wished to say before Justice Rand, that you did not say, because you did not have the opportunity to do so?

**Mr. Landreville:** Mr. Chairman, I would have brought witnesses, other witnesses, witnesses who were experts, experts in municipal laws, ethics and morality, and we have discussed the matter. It would have been quite another business. I would have brought



character witnesses. I was not able to do that before the enquiry.

(English)

**Mr. Bell (Carleton):** It seems to me, Mr. Chairman, that we are just going around and around. We have been over this many, many times, and in this situation, I do not know if we are advancing the case. I have not learned any more of why, when the Order in Council instructs Mr. Rand to inquire about misbehaviour, about whether Mr. Justice Landreville has been unfit, that there is any restriction on inquiring into the question of impropriety. I do not understand misbehaviour as being somewhat different from impropriety. There may be a distinction to be drawn, but it seems to me we have been over and over this ground many times, and we are not really getting very far.

**The Joint Chairman Senator Lang:** I think probably the Committee would like you to resume—

**Mr. Landreville:** I will. I just want you—a last word on this—to read the terms of reference to inquire into my dealings. The word “dealings”; that is the thing, and if something turned out that I was wrong in my dealings, very well; not on ethics, not on improprieties and I exclude that otherwise I would have brought—you talk about character, sir. I would have brought many witnesses, but let me just say on the Rand Report, it is all very well for counsel on the opening—and he was kind in stating this at page 69 of the report, in the middle—at the top rather, it reads:

—is a question of a state of mind;—

Therefore, it was either Mr. Farris’ mind or my mind, no external facts.

(Translation)

**Mr. Goyer:** Mr. Chairman, may we stop for five minutes, to enable Justice Landreville to rest? He has already been giving evidence for an hour and a half.

(English)

**The Joint Chairman Mr. Laflamme:** I think we should have a recess until 11.15. We will now adjourn for 10 minutes.

After recess.

● (11.15 a.m.)

**The Joint Chairman Mr. Laflamme:** Gentlemen, we will now resume with Mr. Justice

Landreville. I will now call upon Mr. Landreville to continue his comment on the conclusions.

**Mr. Landreville:** Mr. Chairman, there were two Senators here, and I thought I had succeeded in convincing them—I was just on the verge of convincing them on one point and they are not here.

**The Joint Chairman Mr. Laflamme:** Maybe you could leave those points until they return. We will inquire after them.

**Mr. Landreville:** I was at page 69 of the Rand Report, and I am trying to assist you so you can understand how Mr. Rand wound up making this report. You see at page 69 it says “a state of mind”, but then look at the middle of the page, it says:

To these considerations personal relations become significant.

In short, from there on counsel has said there is *obiter dicta*, but there is a description that is far from laudatory of my character, made by Mr. Rand. Had my character been in question, I would and Mr. Robinette would, have seen to it that every alderman and every controller that had been questioned would have said “What do you think, would you suspect, would you have reason, knowing this man for many years”, and that line of question would have been probed by Mr. Robinette. But on facts we had left that aside because it was not a question of character; it was a question of my dealings.

Now, having made this description of my character, Mr. Rand describes me and therefore there are no facts, but because I assess this man’s character at this, I have reasons to be suspicious of him.

Now, I can refer in the evidence, gentlemen, at just one bit that happened to come out, but was not sought at near my—it is in volume 5, at page 549. I think that I might just offend humility here if I read this myself, but times come when it is necessary. This man Cooper is a man who is a county court judge, and was sitting in the court house on the day of the preliminary hearing and was invited to come unprepared. Judge Cooper was not served with a subpoena and I had not spoken to him—I give that as my evidence—I had not prepared him nor discussed with him these matters I will just point out what he



thinks of me, as opposed to what Mr. Rand thinks of me. I will read from page 549:

Q. Prior to that you had been in partnership or in association with Mr. Landreville in the practice of law in Sudbury—A. That is true.

“Q. Since 1936 I believe.” Is that correct?—A. That is true.

Q. “Q. Since 1936, that would be a matter of some 14 years?”—“A. That is right.” Is that correct?—A. That is true.

Q. “Q. I suggest to you in all your dealings with him, you found him to be a man of integrity?”—“A. I could not speak more highly of him. I could tell you that.” Is that correct?—A. I repeat that today.

Q. “Q. His recollection is, I am speaking of the integrity, honesty,—I am not sure that that question is too well framed?—A. No.

Q. “Q.—when you say you could not speak more highly of him, I am referring to that—,” “A. “I think I was the one person in Sudbury that had the best opportunity of sizing him up for integrity, ability, and honesty, and I would say he was the best in the 14 years that I know of any place.”

Is that correct?—A. That is correct.

Q. And do you repeat that today?—A. I do.

It is unpleasant for me to read that, but Judge Cooper is a man not given to adulation, but here is a man who has known me. Now, I just pose this one character because the rest, we did not go into character analysis as compared to what Mr. Rand described me. And he says himself, Mr. Rand, because Landreville has the character that I think he has, then I am suspicious of him. In short, he is a man with a roving mind, and I will not go through all the attributes he gives to me.

**Mr. Fortier:** With your understanding of the terms of reference, Justice Landreville, why is it that you and your counsel Mr. Robinette decided to adduce evidence as to character before Commissioner Rand?

**Mr. Landreville:** Because we were considering the dealings of Mr. Justice Landreville in Northern Ontario Gas.

**Mr. Fortier:** My question is: Why did you and Mr. Robinette decide in this instance here, through Judge Cooper, to introduce evidence of good character?

**Mr. Landreville:** This was read by Mr. Robinette from the transcript of the preliminary hearing.

**Mr. Fortier:** That is right.

**Mr. Landreville:** And I must say that—and I think Mr. Fortier will bear this out—every alderman they did not ask: “what do you think of Mr. Landreville as a man of character and so forth”. No questions were directed to that. Some of them ventured the expression that I was a leader and guided their council and so forth, but—

**Mr. Fortier:** No, but here was a man who best knew you in Sudbury during those 14 years, and you sought this through Mr. Robinette to adduce evidence of good character.

**Mr. Landreville:** Well, Mr. Robinette read that in the record. That is true, but that is the only witness; there are many more that have left. In other words, to dispel—and it is quite obvious that what therefore Mr. Rand does here I submit, and this is my submission, he analyses facts and gives certain weight to pieces of evidence which I think on the face of it you might find which way he is leaning in this thought, and then he says because this man has this character and because Farris has that character, then I am suspicious of them; that they must have had something in their minds. There are no external facts, but I am suspicious. That is one of the reasons, Mr. Chairman, I asked the other day to introduce character evidence, but that has been ruled and I abide by your ruling.

**Mr. Tolmie:** Mr. Chairman, could I pose one very short question. I can well understand why you would want to refute some of the allegations in connection with your character that Mr. Rand pronounced in his judgment, but at the same time, is it not conceivable, by the very insertion of this reference to your character, that this can help you. To follow this along a bit further, does it not indicate that in this particular area, Mr. Rand has digressed and if this is so, by following this reasoning you could come to possibly a logical conclusion that he has digressed and erred in other parts of the report?

**Mr. Landreville:** Yes.

**Mr. Tolmie:** So I do not think that it is an unmitigated disaster that this is in the report as far as you are concerned. Is that not a fair comment?

**Mr. Landreville:** If Mr. Rand had depicted me entirely opposite to what he has depicted me—is that what you are aiming at—then he could have come to the conclusion that he still would have been suspicious. Is that what your—oh, yes, he may be wrong about other facts as well, if he is wrong about this.

● (11.30 a.m.)

**Mr. Tolmie:** What I am trying to say is that you seem to be alluding to this particular *obiter*, and at one point, as I recall it, you wished the Committee to exclude it from our readings and our deliberations. I just put up for your consideration this point: perhaps the very fact this is in the report could redound to your benefit as far as the deliberations of the Committee are concerned.

**Mr. Landreville:** That I agree, sir. I mean that is the basis for his conclusions. He uses that, and I say take that base away, had I been producing character evidence there would not be that base on which he rests his case and his judgment. The facts, I think, are quite clear, generally.

Now, in so far as the reason for No. 2, given at page 107, is concerned, it has some reference here to page 79. I think that that is the base. The bottom of page 79 may be the basis for that conclusion No. 2, that I was in other hearings “vague, indefinite, qualified, noncommittal, replete with half-truths, overstressed, accounts of indifferent or non-significant facts, irrelevant digressions, emphasis on the obvious, indignant assertion in the nature of shadow-boxing, protestations of anxiety to vindicate himself, and airy looseness with truth in small matters”. These are I submit to you the reasons why he stuck to his conclusion that I had been in contempt of the tribunal. All I can tell you is that I have gone to every hearing and I have given the best evidence. I am aware of the fact that lawyers and judges make the worst witnesses in the world, I do believe that, because at times they see, they want to be either too sure or unsure in their respects.

In so far as those areas where I was positive I affirmed it positively. Then I was not without inquiring from hearing to hearing and hearing new evidence, making new inquiries and I have made variations in my evidence. That I have admitted before Mr. Rand.

(Translation)

**Mr. Goyer:** Mr. Chairman, if you will allow me, there is a technical point that is raised.

There are five members of the Committee here who must go to the Committee on Justice and Legal Affairs at 11.30, I think there are six of us indeed. There is no quorum in the other Committee. In view of the fact that the Committee was not able to sit at an earlier sitting due to this Committee meeting, perhaps we might adjourn until 3.30, or if you want to continue there will be five members who will have to leave, and I do not know whether it is important to be enlightened after the conclusion of the Rand report?

**The Joint Chairman Mr. Laflamme:** Could we not compromise and stay until noon?

(English)

I think we should continue with our meeting.

**Senator Fournier (de Lanaudière):** This afternoon if the other committees have to work, we have to work.

**The Joint Chairman Mr. Laflamme:** Well, we are still proceeding.

**Mr. Bell (Carleton):** We have to give questions of priorities. I know, for one, I should be at two other committee meetings at this present time but because of the judicial nature of this Committee I felt it was essential I should be here.

**Mr. Landreville:** So far as I am concerned, Mr. Chairman, you may adjourn; my voice is giving out. You can adjourn indefinitely.

**An hon. Member:** Not indefinitely, no.

**Mr. Cashin:** Mr. Chairman, I regret I did not get all of Mr. Goyer's comments, but only the last part that suggested we should adjourn.

**The Joint Chairman Mr. Laflamme:** No, because Mr. Goyer said—

**Mr. Goyer:** I said the Justice Committee is waiting for a quorum and there are five members on this Committee who are members of the other committee.

**Mr. Cashin:** I am rather of the view they should continue to wait for a quorum.

**Mr. Patterson:** Mr. Chairman, I would suggest in view of the fact there are a number of us who are supposed to have been on other committees this morning and we chose to be here that possibly we should proceed at least until noon.



**The Joint Chairman Mr. Laflamme:** That was the suggestion I was ready to make. We could continue our hearings until 12 o'clock.

**Mr. Cashin:** If the justice committee does not get a quorum it will not be a great catastrophe. It will not be the first time.

**Senator Cook:** If possible I think we should proceed to completion. I think it would be much better to get a coherent story as we are getting now, if possible, I say.

**The Joint Chairman Mr. Laflamme:** Well, Mr. Justice Landreville—

**Mr. Landreville:** Thank you. I suggested to you that at the bottom of page 79, I have given explanations and examples of evidence in that respect, that I have been vague from October 1962. I was, because I did not have all the facts. And that there have been some qualifications to previous statements; that is true also. But I say to you, gentlemen, that it does not deserve—I submit this most respectfully—my conduct in any of these hearings, the appellation of a gross contempt of tribunals. I think that in that respect any counsel who appear and have known me in court work, know in what respect I hold the courts, as a citizen and as a judge.

It is suggested, the third one, a fortiori—

**Mr. Fortier:** Before you go on to the third conclusion, Mr. Chairman, whether or not the variations in your successive testimony amounts to gross contempt is, of course, a matter for the Committee to decide, as it was a matter indeed for Mr. Rand to decide. Do you, on the other hand, take issue with the way your examination by Mr. Morrow was conducted before Commissioner Rand in that when you testified on a point on which you had previously testified before either the Securities Commission or Farris' preliminary inquiry or his trial and where there was diversion between your testimony, do you take objection to the fact that he confronted you, as he always did, textually, that he confronted you with your earlier testimony and gave you ample opportunity to explain these diversions or omissions?

**Mr. Landreville:** My answer to that is I would like to refer to the transcript and he again refreshed my memory. My impression presently is that I was not before Mr. Rand to explain and give reasons why there have been variations in testimony. I did not direct my mind to that. I would like you—we will find the transcript of this. Mr. Morrow did ask me a few questions.

**Mr. Fortier:** Oh, many questions, I submit, sir.

**Mr. Landreville:** We will look at that and we will number then; because after recess this afternoon I will have that information for you.

**Senator MacDonald (Cape Breton):** I was wondering, Mr. Chairman, if anywhere in this report Mr. Rand ties in that second conclusion with his terms of reference or how he brings it under the terms of reference.

**The Joint Chairman Mr. Laflamme:** Could you speak closer to the microphone to be recorded?

**Senator MacDonald (Cape Breton):** Yes, I am sorry. As I see Mr. Commissioner Rand's terms of reference, they were to deal wholly with the dealings of Mr. Justice Landreville with this stock. I do not quite see how he ties in his second conclusion with his terms of reference?

**Mr. Fortier:** May I answer this, Mr. Chairman? It seems to me that in inquiring into the dealings of Mr. Justice Landreville with the stock of NONG, that it was quite proper for Commissioner Rand to look into the very same facts Mr. Justice Landreville had said in earlier testimony. I do not see how the two can be divorced at all, sir. I mean this indeed goes to dealings in the sense that when explaining dealings at one time under oath, Mr. Justice Landreville said something and when explaining these same dealings before Commissioner Rand he may, have with the explanations he adduced, said something else. I think it was quite proper, in my humble submission, for Commissioner Rand to consider this as being within his terms of inquiry, his terms of reference.

**Mr. Tolmie:** I think this conclusion, too, is a very important one and perhaps germane to the whole report. Now, Justice Rand in no uncertain terms accuses Mr. Justice Landreville of evasion and misleading testimony. In my way of thinking this, of course is a very damaging accusation as far as a judge is concerned in judicial conduct. Now, on page 49—if you will turn to that Mr. Landreville—the Justice makes comments about your interview with Sergeant Bates of the R.C.M.P. He in effect alleges that Sergeant



Bates—at the bottom of the page—stated that you said:

—sometime in 1956 he placed an order through an *investment agent in Sudbury* for stock.

Now, the evidence shows the transaction took place in B.C. Could you clarify that statement?

**Mr. Landreville:** Yes, I will, Mr. Tolmie. We went into that analysis last week.

**Mr. Tolmie:** I am sorry.

**Mr. Landreville:** I will repeat it. This interview with these two constables took place on two occasions, September 11 and September 12. It was very loose talk, when this constable gave me a warning, after putting two or three questions, he gave me a warning, and I received the information that Ontario Securities Commission was going to have a hearing concerning this matter. I told the two gentlemen I would give my evidence at the Securities Commission. That is in the statement. Therefore, from then on they remained and they were questioning me and we were talking very loosely, so to speak, off the record. He asked me if I dealt in stock. I said: "Yes, in Sudbury, I bought some stock." He made that note that night that "some time in 1956 he placed an order through an investment agent in Sudbury for stock." Well, is referring there the NONG stock. Now, it is in the sergeant's memo that he showed me himself the letter from Continental that on the instructions of Mr. Farris of February 12, 1957, we have for you 10,000 shares and have disposed of 2,500. He had shown me that letter. I am just pointing out the incompatibility of the very fact that he showed me the letter and I turn around and say I bought the stock from Sudbury. I would be simply stupid to make that statement.

**Mr. Tolmie:** What you are, in effect, stating is that there was some confusion.

**Mr. Patterson:** Mr. Chairman, I understood we had reached an agreement that Mr. Justice Landreville would complete his references and observations with respect to these considerations, and all questions would be reserved until he had completed his statement. In view of the fact we have somewhat of an understanding that we will adjourn about 12 o'clock I wonder if it would be possible for Mr. Justice Landreville to complete his summation before that time and then the questions could follow at the next session.

**Mr. Tolmie:** Mr. Chairman, I asked a question one conclusion there.

**The Joint Chairman Mr. Laflamme:** On this point, Mr. Tolmie, I did not discuss that with my Co-Chairman. But when reviewing the conclusions I think there are some questions that could wait until we deliberate in camera because if we are going to assess personally as members of this Committee the conclusions of the Rand report with our witness, actually, I think we are going to deliberate publicly. I just want to suggest to the members that to be, well—

**The Joint Chairman Senator Lang:** I think it probably still remains the consensus of the Committee to reserve questions until Mr. Justice Landreville is finished. I think we should perhaps carry on in that vein if that is satisfactory, Mr. Tolmie?

**Mr. Tolmie:** Agreed.

• (11.45 a.m.)

**Mr. Landreville:** In conclusion number three, on page 107, he says:

That a fortiori the conduct of Justice Landreville, from the effective dealing, in the spring of 1956, with the proposal of a franchise for supplying natural gas to the City of Sudbury to the completion of the share transaction in February 1957, including the proceedings in 1962, 1963 and 1964, mentioned, treated as a single body of action, the concluding portion of which, trailing odours of scandal arising from its initiation and consummated while he was a Judge of the Supreme Court of Ontario, drawing upon himself the onus of establishing satisfactorily his innocence, which he has failed to do, was a dereliction of both his duty as a public official and his personal duty as a Judge, a breach of that standard of conduct obligatory upon him, which has permanently impaired his usefulness as a Judge.

Gentlemen, this is a summation of the other points, one and two, which he draws and I say here that I did not direct my evidence. I was questioned; there were some questions, as Mr. Fortier says, but I did not direct my evidence to to why there were variations in the proceedings of 1962, 1963 and 1964. I was into my dealings of stock. He says there are "trailing odours of scandal". Well, that is his opinion. And I drew upon myself the onus of establishing my innocence. I have explained

that this morning, that I refused to accept the onus of removing the suspicion from every Canadian in the land because there will always be somebody suspicious. I only assumed the responsibility to remove suspicion which is alleged to be based on some fact, and no further.

I can affirm that at to time have I refused to testify. I have come freely and given my evidence and the best evidence. In that opinion, if the expression runs true, the proof of the pudding is in the eating, I sat for 13 months on the bench following the preliminary hearing and, as I have indicated to you for the benefit of those who were not here, I have been well received by the public generally and by counsel. There have been no criticisms anywhere in that respect. I have been very careful. I was sensitive to the fact. So if one counsel had got up in court or any partly even mentioning remotely this affair, gentlemen, I would not only have been embarrassed I would be embarrassed today to the point where I would not likely even appear before you. That is my sense of duty. And I go no further in that respect.

My very presence before you today, my very presence before you, certainly does not assist my public image. I quite agree and that started right with the preliminary hearing in Sudbury, the press, the new items and what not. But I kept quiet, I kept silence bound by what I call propriety as a judge, never argued, did not engage in the alleys fighting with anybody about these matters. Until recently I have never appeared on any program. Gentlemen, that in short, is the Rand report. To me it is an official document of the government of Canada which was brought about through an inquiry which I consented to because under the Inquiries Act I believe it does not apply to a judge. I think the Minister of Justice sided in that opinion and that is why I gave my consent.

I resisted for quite some time, claiming that I had already had a trial in Sudbury and as early as May 13, 1965, I said, and I am quite candid about this I said: I do not want a parliamentary committee of inquiry rather because the very fact that I would appear, regardless of the decision, an inquiry and proceedings with pertaining publicity would be detrimental and final to my reputation. So I say that to you quite candidly. My very presence here hurts my public image.

I would have thought that a judge would have received the protection of the legislators. There has always been a tradition that the

legislators protect the judiciary from attack. Likewise a judge on the bench respects the legislation passed, does not deride whatever laws may be passed but only interprets them. That is generally the truth.

In the United States, in California, you have—these are about, coming to the substance—(a) civil aid, judicial service commission in existence. When there are complaints against a judge from any source these complaints go to this board which meets in camera and if there is subject matter to the complaints the judge resigns and that is the end. But if there is no subject matter to it the judge resumes his functions. In New York it is the same way. In Canada, I think the only protection a judge can claim is to go to his administrative superiors. There was a time when a judge's name would never be mentioned either in the provincial or federal house. There is a rule in Beauchesne saying that unless a substantive motion is made the judge's name should not be taken in vain. I have not been given that protection even in the Ontario house. I have been the butt of one man in the Ontario house particularly. He accuses me of most villainous affairs. He was speaking under the immunity and I was defenceless. I really feel that in that respect gentlemen—as my countrymen—I only want my measure of fairness and justice, no more.

Now, you may ask what this has done to my life. At the age of 57 years I find myself now without a profession. I am not going to quarrel with the Law Society's decision. They may be justified in having passed it. But a month after the Law Society Report concerning me they revived a study of the practice of ex-judges or retired judges appearing in court. The resolution appears in *Ontario Weekly Notes* passed July 8th 1966. It simply states, if I may paraphrase their decision. I cannot appear as counsel or advocate in any court or in chambers or before any administrative board or tribunal.

**Mr. Fortier:** Without the express approval of the convocation?

**Mr. Landreville:** Yes, sir. I grant you that, and having a preview of what they think of me I would appear before them with trepidation. But the net result is I submit that I am without a profession.

**Mr. Bell (Carleton):** With great respect, that is not true.

**Mr. Landreville:** Except, I am adding this for your benefit, certainly, I can do notary



work, I can do solicitor's work and in that field I am trained and I have spent 30 years in litigation; that is my field. I am not a corporation solicitor. Secondly, it may—I am not—I am stating this as fact, that if you follow me back to 1956, where I left you many times, had I known every event in the future that was to take place do you believe for a moment, gentlemen, that I would have accepted the Northern Ontario stock even at \$117,000. Do you believe for a moment that I would exchange my life's career for any sum of money? One does not do it that way if he is an honourable man. I am here before you pleading for my honour, basically; that is why I am here.

I do contend, gentlemen, that the standard Mr. Rand imposes on a judge is too high a standard. I believe that a judge is entitled to a private life, particularly that his acts of his past life be brought in—I still repeat—private acts unconnected with his office, brought in and used not only to say that there are improprieties but to say there are suspicions of improprieties. That is going a little too far. I think that a judge must give the appearance at all times, that I agree, of being fair and just and in large measure above reproach in his conduct. I have subscribed to that standard but judges are appointed, not anointed. Therefore they are not deemed to be saints from the day they are appointed.

I do not like the thought that I will be called the worst judge in Canadian history. I think that label placing myself back in 1956, why did I take this office? Was it for personal gain, gentlemen, at \$18,000? Let me tell you that that \$117,000 was spent; has been spent in maintaining that standard of living that my family was accustomed to prior to my being a judge. I maintained that standard. That money is gone. I find myself in the dire straits of having to work to live and raise a family. Now this may sound to some of you as pity or sympathy. It is fact. It is a fact, to feel the pinch of injustice. I feel and injustice, a grave injustice has been done to me. I do not accuse anyone particularly. There has been a chain of circumstances. I could tell you of one newspaper, why it was motivated against me. That is not of importance. I want to stress before you that Mr. Rand considers me a man of considerable wealth. Why does he say that? Was there evidence? Is it relevant? Of course, it is not. It is irrelevant. But when I read this or a stranger reads it, would one say: "Well, the judge does not need his job anyway. He is a man of considerable wealth" and I have had people come to me and say: "Rather than go

through all this why do you not resign?" I have always considered resignation an admission of guilt and I have maintained that I am completely innocent of any wrongdoing, knowing what I knew in 1956.

• (12.00 noon)

Mr. Rand says "he has a lodge in northern Ontario and a home in Mexico." It is irrelevant again, admittedly. You want to see my lodge? It is a shack that I made, a boathouse, this was taken last September. Is that relevant. I have a home in Mexico, imagination. What kind of a man has a home in Mexico. I am the type that would have it. I sold a summer camp in northern Ontario for \$12,500 and bought this home at \$11,600 in Mexico. Irrelevant!

But let us not let our imagination run away with us. Some day, gentlemen, with the trend that we have of attacking all those in society who are so-called leaders, that includes you particularly, going into their private affairs, demolishing their character, we will be surprised to find ourselves leaderless. Mr. John Fisher could have told you after I was a judge how many speeches, free of charge, I made over Canada and the United States inviting me to take part in public life. I have lived that life for 30 years, close to 30 years in mining municipality, and on the bench. I am being put out without one cent of pension, without one cent of pension. I am not invoking pity or sympathy. It is a statement of fact that justice be done.

Gentlemen, I would like to just give you a further submission in addition to what Mr. Ollivier supplied you the other day. May I distribute this, and I would like to pass just two comments?

**The Joint Chairman Mr. Laflamme:** Yes, you may have them distributed.

**Mr. Landreville:** Then, during luncheon they may go over it and we may discuss it. Do you intend to adjourn, Mr. Chairman?

**The Joint Chairman Mr. Laflamme:** Could you just give a brief summary and then we will adjourn until 3.30 this afternoon.

**Mr. Landreville:** I would like to consider this briefly and that would be the end. I will submit to questioning by members.

**The Joint Chairman Mr. Laflamme:** Well, now this Committee is adjourned until 3.30 this afternoon.



## AFTERNOON SITTING

Tuesday 14 March 1967.

• (3.53 p.m.)

**The Joint Chairman Mr. Lang:** Gentlemen, I see a quorum. I believe, Mr. Landreville, when we left off this morning you had intended to review the reported inconsistencies in the evidence given by you before the various tribunals. Is that your intention now?

**Mr. Landreville:** Mr. Chairman, I think I can resume this, rather than read lengthily. There is in the transcript, at page 1126, a question and at line 14, I answer:

On the first instance, no, sir. I say, to the best of my memory and recollection as I knew at that time I thought I had.

This goes up to about 1136. There were questions put in those pages pertaining to my evidence given before the Ontario Securities Commission. The evidence I gave before Commissioner Rand is much as I have told you today. I was giving the best and all the information that I had since that time I have looked at municipal documents, as stated at page 1136, and I have heard the evidence of others. For instance, I said that my conversation with Farris was between the 1st of July and the 15th; then, I said, no, it took place on the 17th. I had misconstrued a date and an event. I admit those variations. I simply sum this up, subject to cross-examination in a moment from anyone on the point, that I am being questioned in 1962 on the events of 1956. I repeat that I had never the intention of being in contempt, or misleading, or hiding any of the essential facts. In essence, my story has been the same in seven years. Mr. Chairman, I am again subject to cross-examination on those points. If they need be brought up, we will go into them in detail. I left with you this morning a memorandum which I am not going to read.

(Translation)

**The Joint Chairman Mr. Laflamme:** That was distributed after you left but copies are available.

**Senator Fournier (de Lanaudière):** I should like one.

(English)

**Mr. Landreville:** This memorandum, gentlemen, is prepared for your guidance and assistance to show, first, some guidance and extracts from known authority, with which Mr. Ollivier has already been supplied and I

do not contest what he has put in his memorandum. This clarifies the position and the duties of judges with respect to parliament and the historical precedents. I am not going to read this to you. I have utmost faith that you will read it because I deem that and that of Mr. Ollivier to be of importance in your guidance. In short, I wish to impress upon you the seriousness of the matter. That is the main point.

There are many other avenues in the evidence which I have not fully probed, nor discussed with you. I speak to you not so much as my jury, but as my ombudsman, so if there are questions in your mind, I invite you to ask them of me. I now submit to Mr. Fortier's cross-examination on any points he may wish to deal with.

**Mr. Fortier:** I resent the term "cross-examination".

**Mr. Landreville:** I withdraw it, Mr. Fortier, very promptly.

**Mr. Fortier:** I repeat, my role as counsel to this Committee is not that of a lawyer raised in adversary system. I am not here to defend nor to prosecute, but rather to assist and advise as best I can members of the Committee in reaching a decision. With this thought in mind, Mr. Chairman, I wonder if members of the Committee would not themselves direct questions, which they may have noted, to the witness, and when they have finished, I would like to cover any points I feel still need to be covered. I realize, unfortunately, that there is only a bare quorum at the moment.

**The Joint Chairman Mr. Lang:** Are you prepared to go forward now?

**Mr. Fortier:** I am prepared to go forward and ask some questions; yes, indeed, I am, Mr. Chairman. I have tried, as you know, to properly assess my role and I feel that members of the Committee do have questions to ask. After they have asked them if I still believe that in order for them to properly exercise the role they have to play other questions should be asked, then I feel I should ask them.

**Mr. Bell (Carleton):** It is a question of who goes first, I suppose. I think we would have a more orderly procedure, Mr. Chairman, if Mr. Fortier were to go ahead. I would think that with the examination he has made of the evidence and of the report he perhaps can

tidy up a bit more than any of the rest of us, and we would have a more orderly record.

**The Joint Chairman Mr. Laflamme:** Well. Mr. Fortier, I am in agreement.

**Mr. Landreville:** May I make one comment before Mr. Fortier proceeds?

**The Joint Chairman Mr. Laflamme:** Yes.

**Mr. Landreville:** I have been disturbed by the radio news at noon, by the interpretation that has been put on my reference to a commissioner, whom I did not name, who received \$24,100. Immediately, the news placed me in the part of an accuser against that unnamed person. You, gentlemen, fully appreciate why I stated that, as an example of the difference in morality, code of ethics and beliefs, and for no other purpose. I do not want that to be misunderstood in that sense. Mr. Fortier, having said this, do you wish to proceed?

**Mr. Fortier:** Yes, sir. I have very few questions to ask of you. I think I should lead, Mr. Justice Landreville, by stating that it has been noted by members of the Committee that for some days you have at times read lengthily from evidence which you had already given before the Rand inquiry. My first question to you is; you have no doubt read and reread very carefully the evidence which you gave before Commissioner Rand, and I wonder if, at this point, shortly before the Committee starts deliberating, there is anything in your evidence and testimony, either under questioning from Mr. Morrow, Mr. Robinette or Commissioner Rand, that you would like to correct or to which you would like to add? This is my first question to you.

**Mr. Landreville:** Yes. Let me say that your question catches me by surprise because I have here the testimony and I have read it. I say, by surprise, because I would have to review. Offhand, there is the obvious reference to the Law Society Report by Mr. Robinette. He made the statement, as you may recall.

• (4.00 p.m.)

**Mr. Fortier:** Yes. My question was as to your testimony, Mr. Justice Landreville, and not as to the testimony, arguments of comments of anyone else.

**Mr. Landreville:** Yes. As to my dealings in Northern Ontario gas stocks, I would say no.

**Mr. Fortier:** I will frame the question more broadly, sir, and I will ask you, as to any of your testimony before Commissioner Rand. I do not intend—I do not think it is my function and I do not think it is my role—to ask you verbatim again all the questions you were asked before Commissioner Rand. The evidence has been produced and filed before the Committee and the members of the Committee—a number I know—have read your testimony and have read excerpts from other testimony. They will obviously refer to it in their deliberations, but before they start deliberating I think it should be made very clear whether or not you have any corrections to make to the evidence which you gave under oath last year. Do you have any additions or any subtractions?

**Mr. Landreville:** There are no additions in so far as my dealings in Northern Ontario are concerned. There are no additions as my testimony goes before the Rand Commission. As to the question of comparison with evidence given at other times, in the Farris trial or at the Securities Commission, there would be many. As to my character, there would be many additions; more evidence I could adduce myself.

**Mr. Fortier:** There is more evidence which you could adduce, but there is nothing which you said to Commissioner Rand which you would like to correct?

**Mr. Landreville:** To detract from.

**Mr. Fortier:** To detract from, to correct, to change? I think this is only a fair question.

**Mr. Landreville:** It is rather a broad question.

**Mr. Fortier:** Yes, it is, sir, but you can appreciate that it would make it unnecessary for me, if your answer, as I believe it will be, were that you answered to the best of your knowledge and belief, to review all your questions and answers.

**Mr. Landreville:** May I begin in a moment?

**Mr. Fortier:** Yes.

**Mr. Landreville:** My answer to that question is, I have given the best evidence I could before Mr. Rand, in all of the evidence, that I could at that time, bearing on the points covered.

**Mr. Fortier:** You say, "at that time." and I would have to carry on and say, since "at that



time" you changed or varied earlier testimony; do you now, close to a year later, wish to change or modify anything you said before Commissioner Rand?

**Mr. Landreville:** No. I stand on that.

**Mr. Fortier:** Mr. Justice Landreville, in reviewing—

**Mr. Landreville:** May I ask—not that it is proper for me—is there any inference of perjury or—

**Mr. Fortier:** No, none whatsoever, sir.

**Mr. Landreville:** I hope not.

**Mr. Fortier:** No. This is a question which I prefaced by saying that in your testimony before this Committee you read at length from the evidence given before Commissioner Rand. Instead of labelling or subjecting yourself and this Committee with examination which would be in substance what Mr. Morrow, Mr. Robinette and Commissioner Rand asked you—this is the only purport of my question, sir. There is no hidden trap, I assure you.

**Mr. Landreville:** No, well, except the question of character.

**Mr. Fortier:** That does not change your answer, does it?

**Mr. Landreville:** No, it does not change my answer at all, except to character and propriety or improprieties.

**Mr. Fortier:** These would not be corrections, but, rather, additions.

**Mr. Landreville:** There would be additions.

**Mr. Fortier:** Which you have given to this Committee.

**Mr. Landreville:** Yes, but not, except for the witnesses.

**Mr. Fortier:** Yes. Now, sir, in reviewing correspondence which was filed before the Rand inquiry, you, unfortunately—it was probably one of those matters with which you were plummeted from time to time and where you said, I will come to this later, but because of the fact there were numerous questions from members, it must have not allowed you to follow a clear chain of thinking—failed to come back and explain your letter, which appears on page 48 of the Rand Report. Your letter dated February 16, 1957, to Continental Investment in Vancouver,

which followed your receipt earlier that month of 7,500 shares of Northern Ontario, which I shall read for the benefit of the members of the Committee, reads as follows,

I have received yours of the 12th with Stock Certificates enclosed for which I thank you. I am enclosing receipt for same.

Should I be of any assistance to your firm for the promotion and betterment of this company in Ontario, please do not hesitate to contact me.

I feel the members of the Committee would like to hear your explanation with respect to the second paragraph—

**Mr. Landreville:** As to what I had in mind?

**Mr. Fortier:** Yes, as to what you had in mind and what you meant.

**Mr. Landreville:** Yes. Firstly, it is an expression of good will to them. Secondly, it must not be implied as a sinister motive, that I would start working for the company or give them free legal advice. At that time or shortly thereafter—that I am not sure—I was a director of the Canadian Tourist Association and as such, I was an after dinner speaker at various places. I could have attended some banquets—I did, in fact, attend one banquet; my picture was not with Mr. Farris—a chamber of commerce affair. To say that I was going to give them any special favour, sir, I can say that that was not my intention, although the words may imply that. I, in fact, never did anything for the company.

**Mr. Fortier:** Whether or not in fact you did, and it is not alleged that you did, in what way could a judge of the Supreme Court of Ontario promote or better a company?

**Mr. Landreville:** Well, possibly what I had in mind—it is difficult to tell you now what may have been in my mind when I wrote that very sentence, I may have had in mind—and this is pure hypothesis, as I know today that I had no intentions of doing anything wrong or blameworthy or improper. That is positive. In my field, as a judge and as an after dinner speaker, one may place a good word for a company such as Northern Ontario, as I spoke in Sudbury. There is a newspaper account of that as a matter of fact. I think it was in the fall, Mr. Fortier, is it not? Did you not see that exhibit?

**Mr. Fortier:** No, I did not.

**Mr. Landreville:** It is an exhibit. The only thing I did say at that time was that it was a responsible company. That is as far as I went.

**Mr. Fortier:** Would you say, Mr. Justice Landreville, that Commissioner Rand was justified in saying at page 93 of his report, after citing this paragraph of your letter to Continental, that:

—it is sufficient and calculated to destroy, certainly, to impair materially, public confidence essential to the administration of justice under the rule of law.

You will recall that Commissioner Rand related this paragraph in your letter to that paragraph of your letter to Mr. Farris of September 19 where you used the words:

I want to assure you that my interest in your Company, outwardly aloof, will, nevertheless, remain active.

And so on.

**Mr. Landreville:** Yes.

**Mr. Fortier:** Commissioner Rand then concluded that these two passages are:

—sufficient and calculated to destroy, certainly, to impair materially, public confidence—

**Mr. Landreville:** My answer to that is that Mr. Rand has placed an interpretation on those paragraphs, and I can only assure the members of this Committee that I had no intention of doing anything improper in my function towards favouring that company.

**Mr. Fortier:** These are your explanations with respect to that paragraph?

**Mr. Landreville:** Yes.

**Mr. Fortier:** You say, Mr. Justice Landreville, that Commissioner Rand placed a certain interpretation, and you also said this morning in fact that—I have your exact words here—Commissioner Rand's standard for judges is too high. May I ask you to define what you consider to be a judge's code of ethics, or a judge's code of morality?

**Mr. Landreville:** I refer to page 106 of the report where Mr. Rand refers to—the last paragraph, the last five lines:

—and what brought the two cases within the rule of prudence enunciated by the Prime Minister was the proof beyond a reasonable doubt that they were innocent of wrongdoing.

He says "the rule of prudence" and I subscribe to that rule of prudence, that a judge's conduct must not be such as to give the appearance to the public that he is favouring one side or the other. He must, secondly, appear in public to be a man, that is, of integrity. That is fundamental, but to foresee the events that come in one's life, that are unforeseeable is beyond the rule of prudence.

• (4.15 p.m.)

**Mr. Fortier:** Would you say then, sir, that it was imprudent for you to write to Continental that letter on February 16, because it could in retrospect be interpreted as being such, and I quote you, as to give people the impression that you were favouring one party as opposed to another?

**Mr. Landreville:** Well, if I had known in February, 1957, what I know today, I would not have written that letter.

**Mr. Fortier:** Would you term it "imprudent"?

**Mr. Landreville:** I would not term it "imprudent". That is my let us say, Gaelic way of expressing thanks to somebody and nothing more.

**Mr. Fortier:** But what had they done for you sir?

**Mr. Landreville:** They had sent me the shares.

**Mr. Fortier:** Nothing else?

**Mr. Landreville:** Nothing else.

**Mr. Fortier:** You have referred the Committee to this sentence of Commissioner Rand at page 106; may I in the same line of questioning, sir, refer you to the last sentence in the second paragraph at page 97 where Commissioner Rand applies his mind to that principle which in his opinion renders one unfit for the proper exercise of judicial functions and he defines this principle as follows:

That principle would seem to be this: would the conduct, fairly determined in the light of all circumstances, lead such persons to attribute such a defect of moral character that the discharge of the duties of the office thereafter would be suspect? Has it destroyed unquestioning confidence of uprightness, of moral integrity, of honesty in decision, the elements of public honor? If so, then unfitness has been demonstrated.



Would you agree with that principle, without saying that you agree that it applies to you or to anyone in particular, sir?

**Mr. Landreville:** I would say that when the words "fairly determined"—I stress the words "fairly determined"—in short, there can be in the conduct, as Mr. Rand has set out in his principle, of a judge, an open conduct, which destroys the confidence in the public. That is true and I will subscribe in essence to that principle. He must live on a high standard, on a high plane, that I admit.

**Mr. Fortier:** Are you sectioning that principle and saying that you agree with that part of it and not the rest, or are you in agreement with that high-sounding principle as a whole?

**Mr. Landreville:** Well, I take it that the principle would be this: that in the light of the informed person to say that, not gossip, not innuendoes and insinuations, informed persons, then an informed person after knowing the facts says "I do not have confidence in that judge any longer" and if the facts are there, yes.

**Mr. Fortier:** Could, sir, an informed person, viewing the facts of your dealings with the shares of NONG not entertain this suspicion?

**Mr. Landreville:** In my opinion, no. That is why I am here.

**Mr. Fortier:** So, in effect, you are saying that Rand was an uninformed person?

**Mr. Landreville:** I am saying in effect this, nothing more, that Mr. Rand has taken out of the entire facts every possible bit of interpretation that could be in support of the suspicion that he arrived at.

**Mr. Fortier:** Do you equate "informed" with "reasonable", to use now a more legal term, the reasonable man; could a reasonable man not entertain this suspicion after viewing all the circumstances?

**Mr. Landreville:** Now, you are asked so many times,—we ask this of twelve men on the jury. We speak of the reasonable man and we take them to be reasonable, twelve jurors, who are unanimous. If you were to take twelve men of any walks of life, inform them thoroughly of these facts, and they are reasonable men, then I will say that I would accept that decision, informed correctly.

**Mr. Fortier:** To that extent you would equate "informed" with "reasonable"?

**Mr. Landreville:** Well, of course, one who is not informed and makes a judgment is unreasonable.

**Mr. Fortier:** May I take, sir, the example which I referred to this morning, that is, the reasonable litigant, who is either plaintiff or defendant in your court room, and who is informed about these facts, the facts of your dealings in the shares of NONG. As you have had to do for eleven years, at one point you have to cut the cake, you have to render a decision, you have to have a winner and to have a loser. I ask you this question, could not the loser, a reasonably informed man, then express doubts as to the propriety of your dealings in shares of NONG, as a result of the decision that you would have rendered against him?

**Mr. Landreville:** It is most difficult to answer that question, Mr. Fortier, because when there is a loser in a court case, I have heard the worst things said about the judge as to his reasons for a decision. He will ascribe his loss to many things. I can only say this: that if he knows the facts and has read the transcript and, mind you, coupled with that, 57 years of what I would call clean living, why should he have a doubt?

**Mr. Fortier:** Is it not possible that he would express such a doubt?

**Mr. Landreville:** I cannot answer you in any other way, but to say that if he is a reasonable man, fully informed, he should have no doubts because there is no suspicion unless you have a solid fact. With no fact, then the suspicion is nothing else but insinuation, innuendoes or imagination.

If I may, I may underline what I am reminded of, is that in fact, I have made it a point, as I told you, of asking the Deputy Registrar. If there had been any comments whatsoever, if I had heard from counsel or litigants why they would not have me try their case as a reflection of these matters and none, and furthermore, let me add this, it may be interested, where is public opinion when we start asking that. In that just what we are probing with, how does one find public opinion? In a Gallup Poll? Certainly, that has been shown to be wrong at times; certainly, not by looking at the editorials in many cases because you have varying editorials of opinions and public opinion is a very difficult thing to find. Undoubtedly. I can say that I have never seen a letter to an editor yet written about me, criticizing me and I can

show you a stack of letters received from sympathetic people and I can show you one from some type of—may I call them crackpot, because it is obvious some jargon. That is the only letter I received that I should resign or get off the bench. That is my evidence, Mr. Fortier.

**Mr. Fortier:** Sir, turning now to another matter; you repeated before this Committee that in 1962, when you appeared before the Ontario Securities Commission, you yourself produced amongst other documents that letter of July 20, 1956, from NONG to yourself. Now, prior to that, it is a matter of record, that the files of NONG had been seized and brought before the Ontario Securities Commission. Can you explain why amongst those files a copy of the letter from NONG to you, dated July 20, 1956, was not found?

**Mr. Landreville:** My answer is no, I cannot explain that. Mr. Rand refers to guilt by association. I can tell you this: I understand though that they found my letter of July 30, subsequently, do you recall that? my letter of July 30 after I produced it to the Securities Commission.

**Mr. Fortier:** Subsequent to your testimony before the Ontario Securities Commission?

**Mr. Landreville:** Yes. They went back and searched and they found it.

**Mr. Fortier:** Do you know yourself, have you personal knowledge of when the letter dated July 20, 1956 from NONG to you was actually drafted?

**Mr. Landreville:** I do not know. After speaking to Mr. Farris; as I have stated, he did not promise anything, he said "I will see what I can do and we will discuss it later", I received the letter presumably a day or two after July 20, the date of the letter, if it was mailed the same day, as I do not have the envelope.

**Mr. Fortier:** You do not know by whom it was drafted?

**Mr. Landreville:** I do not know. There is an inference through some words of Mr. Spencer Clark. He said that he had nothing to do with that letter. I can only swear that, and Mr. Farris I think, said the same thing; he is the one that drafted that letter. That letter is dated in Toronto, of July 20.

**Mr. Fortier:** That statement of Mr. Clark's is the one which is reproduced at page 57 of

the report, and it deals with his testimony before the Securities Commission, speaking of the letter of July 20, Mr. Clark said:

A. This letter was drafted between Mr. Farris and Landreville and I was asked to sign it afterwards. I had nothing to do with the preparation.

Q. You were asked to sign it, though?

A. That is right.

Q. And you say the authors of the letter would be Mr. Farris and Mr. Landreville?—A. I have no idea who they were.

In all fairness, it should be pointed out that Mr. Clark's testimony before Commissioner Rand was not at all along those lines, but rather along the lines that Mr. Farris had prepared it.

**Mr. Landreville:** Yes. It was Farris who prepared the letter. It came out, I will tell you, and I stated that before, unexpectedly when I received this letter, I was not expecting it.

**Mr. Fortier:** Did you ever question Mr. Farris with respect to the fact that there was no directors' meeting on the 18th of July, 1956?

**Mr. Landreville:** No. I never did. As a matter of fact, when I received the letter I took it at its face value and its language.

**Mr. Fortier:** No. I am going on later in time, when you were told, when you discovered that there had been—

**Mr. Landreville:** No. I must say that I have been very cautious, and I say this to the Committee, that I have not communicated with Mr. Farris from the moment of '58, I have said that, directly or indirectly. I have seen Mr. Farris and had a conversation with him after the Rand inquiry.

● (4.30 p.m.)

**Mr. Fortier:** Do you know why this letter was drafted in such formal terms in view of the fact you were on a Leo-Ralph relationship up to that time?

**Mr. Landreville:** I do not know, sir. You recall though that Mr. Farris gave examples of three other men with whom he dealt on the same basis. He was anxious to have these men with his company and one was Ralph Howard of the fuel board.



**Mr. Fortier:** In your first recorded letter to Mr. Farris dated May 3, 1956, which is reproduced at page 15 of the Rand Report, you informed Mr. Farris, in short, of the sending of a telegram to Mr. Howe. You informed him that a meeting was going to be held re Trans-Canada Pipe Lines. In short, in this first paragraph you dealt with the application by NONG for a franchise from the city of Sudbury, right?

**Mr. Landreville:** Yes.

**Mr. Fortier:** Why is it that you saw fit to annex to that typewritten letter a memo, which is reproduced at page 73, where you expressed your hope for a return visit by Mr. Farris and say in closing:

Further, you and I have a few important things to discuss—re Co.

You explained to the Committee a few weeks ago that you merely meant here re the negotiation of the franchise, and I ask you why you saw fit to send this by way of a handwritten note when you were at the same time dictating a letter which dealt with the negotiations for the franchise?

**Mr. Landreville:** I cannot answer your question. You are dealing with an affair of 1956. Now, in so far as that is concerned, the first part of that letter, "I may presume this move on our part will not displease you", the letter was not underlined.

**Mr. Fortier:** No, no my question does not go to the underlining, sir, but to the sentence itself.

**Mr. Landreville:** Why I attached this memo possibly as a personal note to him referring to my wife and the roses, it may have been a postscript or an added sheet. I think it may have been an added sheet.

**Mr. Fortier:** It was an added sheet.

**Mr. Landreville:** Did he say it was dated? No, it was not dated.

**Mr. Fortier:** It was enclosed with the letter of May 3, and in fact it is referred to in Mr. Farris' answer to you dated May 8th which appears at page 16. In the conclusion of which, Mr. Farris, not in a handwritten note says:

As you say, we have important things to discuss.

**Mr. Landreville:** Yes, and this is strictly the franchise, to get it through.

**Mr. Fortier:** Which, of course, as your testimony goes, was not being discussed with you but rather with the City Clerk and the City Engineer.

**Mr. Landreville:** Oh, no; I do not hide the fact that I had some part in this. Mr. Kelly's evidence substantiates the fact that they consulted with me but Mr. Kelly was given a free hand. That is his evidence, the City Solicitor.

**Mr. Fortier:** Now, in your exchange of letter, with NONG, in July 1956, Mr. Justice Landreville, you testified that you did not disclose to your fellow members of council the existence of this promise, shall we say. Is that correct?

**Mr. Landreville:** I was under the impression that I had disclosed it; that I had said to some people that next year I would be going with the company.

**Mr. Fortier:** But they all testified that such was not the case.

**Mr. Landreville:** And, I say here today, for instance, one witness, Judge Cooper said "he may very well have told me but I did not attach any importance to it."

**Mr. Fortier:** Was he a member of council in 1956?

**Mr. Landreville:** No.

**Mr. Fortier:** No. My question, sir, goes to your fellow members of council in that month.

**Mr. Landreville:** Yes; well one of them is Waisberg. It was Waisberg who reminded me of having had a discussion with me concerning the future I would have with NONG the following year. This was in September.

**Mr. Fortier:** After your appointment to the bench was announced?

**Mr. Landreville:** No. At the time I was deliberating, and I consulted with Waisberg, he was one of the men on my council with whom I had confidence. I was not sure whether I should remain where I was or take the post with NONG, or remain in my law office or accept the appointment.

**Mr. Fortier:** Is it not a fact, though, sir, I do not want to belabour the point, but is it not a fact that all those who were members of council in July, 1956, were questioned by Mr. Morrow whether or not you had disclosed to them the existence of this proposed, let us

say, employment with NONG and that they all answered unequivocally no.

**Mr. Landreville:** No.

**Mr. Fortier:** My question to you then, sir, is whether you should not have considered it your duty at that time in July, 1956, to disclose to your fellow members of council this possible interest; this possible active interest, which you would have had with NONG at the expiration of your term as mayor, in keeping with your duties as mayor?

**Mr. Landreville:** I would have considered it my strict obligation to disclose it to the entire council if there had been anything more to do with NONG during the rest of the year. I considered it a private matter, that I did not have to tell everybody. But I was not keeping it a secret, that is my impression still. I just want to end on that. It is case of counting your chickens before they are hatched sort of affair because it was just left in the air; next year we will speak about it.

**Mr. Fortier:** It was left in the air at the end of July, 1956, that you could exercise an option at any time within a year?

**Mr. Landreville:** Yes; but I was not attaching very much importance to it. It had some value; definitely, it had some value.

**Mr. Fortier:** You indeed were and I am sure still are a qualified and experienced municipal officer. You knew full well that the mere signing of a franchise with NONG in July, 1956, did not put an end to the relationship between NONG and the City of Sudbury. In fact, that it was only the beginning of a long association; is that not so?

**Mr. Landreville:** If you will kindly refer to the transcript, I think it is shown somewhere, there was nothing of substance, no resolution of council after that time and I was going out of office at the end of that year. That is definitely established. What is the question? I missed it.

**Mr. Fortier:** My question is whether or not you should have considered it your duty as mayor of the municipality of Sudbury to disclose to your fellow members of council this possible conflict of interest which could arise in the city's continued negotiations with NONG?

**Mr. Landreville:** This is possible, you put in the word "possible". I say the events show it did not arise. There is another aspect to this.

You see the short time I was in Sudbury after that, when I went into office, and where I was in August of that same year. The question of opportunity may arise there, but I did not give it that much thought.

**Mr. Fortier:** Could not a question of propriety, sir, arise in a reasonable man's mind whether or not a short two or three hours after the third reading of the franchise by law it was fit and proper for you to make this request to become financially interested in NONG, bearing in mind you were then Mayor of the City of Sudbury.

**Mr. Landreville:** My answer is if you read my evidence, the way, how it came out, I do not consider it improper. The point was Mr. Farris expressed to me the difficulties he would be facing in getting officers for the company and I just ventured to him my offer to be of service to his company the following year. And the correspondence, please let us not forget that. It seems that today nobody reads the very words and certainly in July, 1956, when Farris wrote to me:

You have recently expressed an interest in our company indicating that when free to do so...

And look at my answer:

My present Office, as Mayor, does not permit me to a definite committal—

Now, this is July. In hindsight it is all very easy. Do you think I thought then, in July, ten years or five years or three years ahead; these words were strictly meant that he should not expect anything from me as Mayor that year; nothing could be expected and I said that verbally and that is reflected in his letter.

In so far, if I may—you are touching on proprieties and that sort of thing—I would consider it indeed highly improper for a municipal officer whose is dealing with officials of a company to try to get any favours, any special favours, because then he binds himself to be of service to them in accepting favours. That I admit. Let me give you an example, if I may? As every good politician knows at campaign time people offer money. In November-December of 1955, many people, friends, called me and offered me money. I did not take one dollar from all these people. I financed my own campaign but I said—it is a matter of record—"I will use that money for a television program and I will call on you to pay the bill." I have used



it on a television program "Your Mayor Reports." That is where the campaign funds went. So I went to that extent of not being bound to anybody. Please stop me, Mr. Fortier, from making a speech.

**Mr. Fortier:** Oh, no, no, sir; far be it from me to do so. This is your complete answer to my question whether or not a reasonable man could entertain doubts of suspicion when presented with this particular set of circumstances. You, as Mayor of Sudbury, with another close to six months of your term still to run, with distinctly possible business relationships between the City of Sudbury and NONG, after the signing of the franchise there were going to be constant, I expect, communications, you do not think that a reasonable man could entertain doubts with respect to the propriety of accepting this offer of 10,000 shares.

**Mr. Landreville:** Your statement of the fact that they were in constant communication is not quite accurate, Mr. Fortier. The fact is the pipe line came into Sudbury in 1958, and there was nothing done for months on end, for months on end, following the assignment of the franchise.

**Mr. Fortier:** But as you said recently you could not visualize that in July 1956?

**Mr. Landreville:** I knew that, oh, yes, I could because the pipe line had not even started out west. It was a matter of finance. The Trans-Canada was not settled, so I knew nothing was going to happen and that is why, Farris, I presume, I never asked him, gave me one year's option.

**Mr. Fortier:** At the beginning of your testimony, sir, you provided me very kindly—

**Mr. Landreville:** I might point out another thing. In the brief, I just draw your attention, you will see that the Municipal Act of Ontario, Section 35—

**Mr. Fortier:** I have read that.

**Mr. Landreville:** —authorizes a member of council to hold shares in a company. So, I say, even if I had shares actually in Northern Ontario Natural Gas I would not be disqualified as a councillor or mayor except for two things: First, not vote and secondly not influence anyone. So when a statute is permissive, as I argue, then who will say it is against ethics. There is no obligation in law for disclosure.

**Mr. McCleave:** It is usually done in municipal councils, though, is it not Mr. Landreville?

**Mr. Landreville:** Definitely, and I must say that if Mr. Farris had come to me and said "here are shares at \$2.70", the next day and "do you want to buy them", and I had bought them and I had anything to do with that company I would have disclosed it. That would have been proper, or obligatory in my sense of ethics.

**Mr. Fortier:** As I started saying, sir, at the start of your testimony you very kindly provided me with a copy of certain admissions which you subsequently read into the report. Your first admission was one to the effect that all the relevant documents were filed before the Rand Commission or earlier administrative tribunals at one time or another. I would like to draw your attention to your testimony before the Ontario Securities Commission in 1962, it is reported at page 67 of the Rand report, where you referred to a letter from you to Continental during the month of July, 1956, where you would have requested these 10,000 shares. You subsequently corrected that testimony before Rand, and I would just like you to state here before this Committee that this letter is non-existent.

• (4.15 p.m.)

**Mr. Landreville:** Well, Mr. Rand really has made—underlined that very part that there was no letter. Gentlemen, I will refer, just to show to you in what way this was said before the Ontario Commission. At page 5—you remember why I went to the Securities Commission to produce my dealings.

**Q.** So, you placed an order through Mr. Farris in the early part of July, 1956.

**A.** I say through Mr. Farris or by a letter written to Continental because I then found out that Continental Investment Corporation was the firm who was handling the shares of the stock of that company and Mr. Farris so informed me that I could go there and inquire. However, I knew, or, at least, I suspected I may not be able to acquire shares unless Mr. Farris told the Investment Company who I was.

There is another reference to this at the top of that same page.

I could have bought some or Mr. Farris may have carried my message to Continental that I wanted 10,000 shares.

And, to be fair to me, Mr. Fortier I think you will see it transpires through this—

**Mr. Fortier:** Oh, yes.

**Mr. Landreville:**—and I said later I was wrong. I confused that, Continental had not come into the picture then.

**Mr. Fortier:** I just wanted you to clarify the picture.

**Mr. Landreville:** There was no such letter; that I admit, but you see—

**Mr. Fortier:** No, no, again this was not a trap. I just wanted to find out what could have led you to believe in 1962 really that such a letter to Continental soliciting the shares could have existed?

**Mr. Landreville:** Well, in 1962, I had the name Continental and I confused that with possibly the October message by telephone on which there is a note.

**Mr. Fortier:** Also I bear in mind and the committee should bear in mind that you testified before the Ontario Securities Commission a few weeks only after being presented by Sergeant Bates with a copy of Continental's letter to you of July—of February 12, 1957, enclosing the shares.

**Mr. Landreville:** Yes; what point are you making?

**Mr. Fortier:** A point of view, of time; you appear before the Ontario Securities Commission with a view to explaining your dealings with shares of NONG, right?

**Mr. Landreville:** Yes, yes.

**Mr. Fortier:** A short time previous you had been shown, as you testified very honestly and very candidly, by Sergeant Bates this letter from Continental to you enclosing the shares. So you knew then when you went before the Ontario Securities Commission to testify under oath that you had had dealings with Continental.

**Mr. Landreville:** Oh, yes, when I went there, yes, I knew but the point is that I said here that I had written a letter. Mr. Rand picks that out, but read the transcript and I say, I put an order either through a letter or by conversation with Farris and there is no such letter. I found out that it was through Farris.

**Mr. Fortier:** What was the date, again, of your testimony before the Ontario Securities Commission?

**Mr. Landreville:** October 3rd and 4th, 1962.

**Mr. Fortier:** So that is the crux of my question. That is a short three weeks after you had been presented by Sergeant Bates with a copy of their Continental's letter to you enclosing the shares. This is one of the two documents that you saw in September, 1962, when Bates and Wannacott came into your chambers; correct?

**Mr. Landreville:** Well, one does not deny the other?

**Mr. Fortier:** No, but I wonder whether or not, sir, the fact that you saw on the 11th of September, 1962, that letter did not in your mind awaken the whole transaction which had taken place four years earlier?

**Mr. Landreville:** No. The letter of February 12 stands by itself, received from Continental. When I went to the Securities Commission I thought that I had written a letter or through Farris. I was confused on that. It was quite obvious from the transcript.

**Mr. Fortier:** But you had in your files at that time the original of that letter from Continental to you of February 12th.

**Mr. Landreville:** Yes, I never denied that.

**Mr. Fortier:** No, but these were documents with which you were able to refresh your memory before going into the hearing before the Ontario Securities Commission. These were documents—

**Mr. Landreville:** If that is the point you are aiming at, I would like to answer it. My answer is at page 5 there, as you will see and Mr. Rand sees fit, picks that out and says that I said I sent the letter.

**Mr. Fortier:** Oh, yes, I am not disputing that. My question only is this—it is really probably not a question but a statement, a point, exclamation. You appear before the Ontario Securities Commission armed, as you said earlier, with your complete file; your own personal file. You had in that file and indeed you had been shown three weeks earlier, that letter from Continental enclosing 7,500 shares, right? And I say how could it be that three weeks later you would have told the Ontario Securities Commission under oath that this letter from Continental was possibly



conceivably preceded by a letter from you to them requesting the shares.

**Mr. Landreville:** The letter from Continental starts off "Pursuant to the instructions—"

**Mr. Fortier:** Exactly; that is clear, that is what I am trying to get at, sir.

**Mr. Landreville:** When I gave my evidence I was under the impression I had placed an order by letter or through Farris, that is what I said. Then I found out that there was no such letter in July of 1956 and the instructions came from Farris to Continental as shown by the letter of February 12.

**Mr. Fortier:** So at that time, the beginning of October, 1962, you had in your possession the letter from NONG dated July 16, 1956—

**Mr. Landreville:** July 20.

**Mr. Fortier:** July 20, 1956, you had that letter from Continental enclosing the shares of February 12, 1957, and you still imply that you thought that conceivably you would have written in to Continental asking for the shares?

**Mr. Landreville:** Yes.

**Mr. Fortier:** O.K. Did you—

**Mr. Landreville:** At what time, though?

**Mr. Fortier:** At the beginning of October, 1962 before the OSC?

**Mr. Landreville:** No, no, what time would I have written—

**Mr. Fortier:** Oh.

**Mr. Landreville:** —that letter.

**Mr. Fortier:** That appears at the bottom of page 75 at the beginning of page 76 of your evidence. "It wasn't long after—" meaning after you had received the letter of July 20th—"I made the request to Farris so I wrote in to Continental, you may have a letter from Continental, saying I have placed my order."

**Mr. Landreville:** Yes. They had my file, the Securities Commissioner Bray had my file. I said "you may have a letter" and he said: "No, we have not found any." Well I said "through Mr. Farris or by a letter written to Continental." This is confused with the events of the fall.

**Mr. Fortier:** Mr. Justice Landreville, did you ever receive from Continental a sales slip evidencing the sale of 2,500 shares of NONG?

**Mr. Landreville:** You have the exhibits and I have not seen them for a long time. I do not recall. There are several—

**Mr. Fortier:** Well, it is a matter of record, sir, that it was not filed as an exhibit. If you feel you would like to contradict me you can search the exhibits but I say it, I have searched and in fact Commissioner Rand points it out at the bottom of page 78 of his report:

There was a suggestion by him that he might have received slips or notes from Continental evidencing the sale of the 2,500 shares;

Such a sales slip was never produced by you. If it had existed, sir, I presume it would have accompanied Continental—

**Mr. Landreville:** I would have kept it.

**Mr. Fortier:** You would have kept it, and it would have accompanied Continental's letter to you of February 12, 1957.

**Mr. Landreville:** I would think so.

**Mr. Bell (Carleton):** Is the answer to that: No, you did not receive it?

**Mr. Landreville:** Well, the answer is simply that I gave instructions to sell 2,500 and the sales slip of which Mr. Fortier speaks I do not know if I have received it or not. I know that Sergeant Bates showed me a sales slip when he visited me and I said: "Well, I had not seen that."

**Mr. Fortier:** Excuse me, sir, but this was the one you had signed and returned to Continental when you received the 7,500 shares?

**Mr. Landreville:** No, another one.

**Mr. Fortier:** Another one?

**Mr. Landreville:** Yes. And I could not identify it, a sales slip he had—a broker. He said: "Do you identify it?" I said: "I have not seen that".

**Mr. Fortier:** At the bottom of page 82, sir, at the beginning of page 83 you referred to the good publicity of the newspapers being responsible for the income tax coming down on your head. My question to you is, do you remember when the income tax authorities approached you because of this publicity?

**Mr. Landreville:** I do not have the file at hand to tell you. I have a file on this matter. I went to their offices in Toronto.

**Mr. Fortier:** You do not have the letter?

**Mr. Landreville:** But if it is material I will produce it.

**Mr. Fortier:** There again, this is not a trap. What I have in mind, sir, is your statement that it was not until 1959 that on the floor of the legislature your name, for the first time, was mentioned publicly. My question is whether or not the income tax people visited you in 1958 or 1959, the implication being if it was in 1958, that your name had been mentioned prior to—

**Mr. Landreville:** Oh well let us not rely on the income tax. I can give you—I have a file here on the publicity in the provincial house—

**Mr. Fortier:** Oh, no, no.

**Mr. Landreville:**—and it shows when it came out but I cannot answer you offhand. I know that it was following my name appearing in the paper and it was following 1959.

**Mr. Fortier:** Sir, you said before this Committee on a number of occasions that you were conscious of the fact that your public image as a judge had been tarnished and damaged, right?

**Mr. Landreville:** Yes, I have admitted that.

**Mr. Fortier:** Do you maintain, as you did, indeed, before Rand and before that in 1962, before the Ontario Securities Commission, that you have been the victim and not the cause of this situation. I should like the members of the Committee to assume, for purposes of my question, that you have indeed been a victim of circumstances and ask you whether or not, in your opinion, your usefulness as a judge has not been irremediably impaired?

• (5.00 p.m.)

**Mr. Landreville:** That is an answer which is really within the domain of this Committee. We come back to the question, in the eyes of the informed public, or misinformed public. I am grateful to Mr. Cashin, for instance, in mentioning an article. I have a scrapbook of articles, and you lie and lie and lie again, as Voltaire says, somebody believes it. I am the first one to admit my

public image has been damaged. The very fact that I am here. But, the question is, to what degree then?

**Mr. Fortier:** I thought the members of the Committee, sir, could have benefited from the opinion of a judge on this matter.

**Mr. Landreville:** Let me give you my feelings. Is that what you want to know? I want to tell you that much of the glitter of the office, and the pleasures of the office, have left me deserted.

In all the public functions I have served, I have never planted myself into an office, for I believe that the office sets the man. I leave it at that, simply that it is a personal matter. I may return to the bench and be absolutely miserable, in two months time. I may return to the bench and remake my public image, by continuing to work. If you are of the opinion that I am the victim, you may go twofold ways. You may come to the conclusion that my public image has been so impaired that my usefulness has passed. That is within your domain, within your jurisdiction. In which case, I am still the victim. Or, in spite of certain press, I am able to carry on. I affirm to you, and I repeat, that generally the members of the profession well received me, and the public. That is all I can say. Does that answer your question?

**Mr. Fortier:** Yes, thank you sir. I have no further questions.

**The Joint Chairman Mr. Laflamme:** At this time, if there is a member who has a question to ask, I would like him to signify to us his intention to do so, and we shall proceed in order.

**Mr. Cashin:** Mr. Fortier was conducting a line of questioning with regard to the need for the disclosure on the part, of your lordship, of the interest, or the option to buy shares in NONG during that period of time in which the offer was made, and what you said you regarded as your acceptance of the offer. There was then some discussion as to the contact between the council and NONG. In the case of the letter, and I do not recall because I had to step out of the room for a phone call, was there questioning on the undated letter of August from the then Mayor Landreville to Farris. Did you question on that?

**Mr. Fortier:** On the one—

**Mr. Cashin:** The one regarding Hennessy.



**Mr. Fortier:** Pardon?

**Mr. Cashin:** You questioned on that one, did you?

**Mr. Fortier:** Which one, Mr. Cashin?

**Mr. Cashin:** This was on pages 83 and 84.

**Mr. Fortier:** No, I did not.

**Mr. Cashin:** You made some reference to that page, I know, but I stepped out of the room. On page 84 there is a letter to Mr. Farris from Mr. Justice Landreville, in which he referred to Mr. Hennessy's meddling. I gather from the report here, that there were some dealings with NONG, or at least this was still at issue in the minds of some officials, anyway Mr. Hennessy. I just wanted some clarification of that relationship, which happened at that time.

**Mr. Landreville:** May I assist you, sir?

**Mr. Cashin:** Yes.

**Mr. Landreville:** First of all, Mr. Hennessy was questioned about that letter, and he said, at that time—presumably it is undated—but it seems to have been in August.

**Mr. Fortier:** You may be able to pinpoint it because of the reference to a trip to New York.

**Mr. Landreville:** That is right, that is true. He was asked: "Do you recall Mayor Landreville scolding you or reprimanding you in any way." And Mr. Hennessy said: "No, I do not remember what it was about at all." And he said: "Well, did you ever have discussions with Landreville?" and he said: "Yes, many." As a matter of fact, my successor Mayor Fabbro gave in evidence, that the hardest fights he has had was with Hennessy. Hennessy, I may describe as a very qualified engineer, a young man, strong, strong willed. Mr. Rand questioned Mr. Hennessy on that point: "why would there be that difference of opinion between you and Landreville?" "Well," he said, "we are both strong minded."

**Mr. Cashin:** Was this over a matter that arose in the month of August?

**Mr. Landreville:** Not pertaining to gas, or anything, because Hennessy did not meddle into anything like gas. It had no relationship to gas.

**Senator Cook:** Page 83.

**Mr. Cashin:** But, I was going to say, Mr. Justice Rand says:

The reference in the letter of August 1956 (undated) to the oral chastisement of the City Engineer Hennessy by the then Mayor is most significant; the former, whatever his judgment might have been, was acting honestly, in cooperation with the City Solicitor, to obtain what were considered better terms; and whatever justification the Mayor may have had for criticism of suggested provisions for the franchise, there can be none for passing it on to one in the position of Farris.

The point that I am trying to establish, is that Mr. Fortier was questioning about the propriety, or about the responsibility to declare your interest in NONG to the council, because the council was to continue to deal with NONG, and I recall you mentioned that these dealings would be much later in the future. I am just wondering if this, is in fact, an illustration of the dealings between the council and NONG.

**Mr. Landreville:** May I answer this?

**Mr. Cashin:** Yes.

**Mr. Landreville:** Let us remember that the franchise was signed July 15, and this is August. The franchise was gone by—that is the first point. The only thing that was left in abeyance was a letter of undertaking by NONG to the city, that if the city wanted a subsidiary company for its own area, that they would agree to form it. But, in so far as NONG was concerned, that was the end. Is that right Mr. Fortier?

**Mr. Fortier:** It is, but I am trying to remember also when was the last order of the Fuel Board, because it was subsequent to July 17. Because remember cross examining—

**Mr. Landreville:** The Fuel Board signed—I have it July 16th, the day before we signed the franchise.

**Mr. Fortier:** Was it not dated back though, because cross-examination had been reserved?

**Mr. Landreville:** Oh, yes. But there is nothing that turned on that.

**Mr. Fortier:** No, no, but in fact it was held after July 17, though, the hearing.

**Mr. Landreville:** Yes, but it was—

**Mr. Fortier:** No, I agree with you, sir, that it was inconsequential, according to the evidence, but the fact of the matter is that the hearing was held before the Fuel Board, with you and the City Clerk, Mr. Kelly, in attendance.

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** Am I not right in saying the final order of the Fuel Board was August 15?

**Mr. Landreville:** They dated it August, they went on their holidays—I cannot explain that, I have a file and give you the exact date. May I, sir? It will just take me a minute.

This is the statement of the—and it is filed as Exhibit 119 on this commission. I will just answer directly your question, Mr. Bell, if I may.

June 7, hearing on application for approval of terms and conditions of franchise.

June 11, order approving terms and conditions as first proposed, with minor changes noted on Mr. Howard's copy.

July 14, letter from city solicitor, submitting revised franchise agreement as discussed by council, July 3, and with Mr. Farris, July 6.

July 16, order made amending order of June 11 re terms and conditions.

July 17, third reading of franchise bylaw.

July 18, agreement executed.

Now, the order of the board, I do not know where that comes in.

**Mr. Bell (Carleton):** Well, at page 19 of the Rand Report, it says:

Following this, the final order of the Fuel Board declaring the convenience and necessity of the franchise was made on August 15.

**Mr. Landreville:** Well, I have here—

**Mr. Bell (Carleton):** This is the practice of the Fuel Board, or was in those days. The final order was subsequent to the third reading.

**Mr. Landreville:** Yes, I think it may have been, but I will get this file.

May we have a few minutes recess, Mr. Chairman, I want to satisfy Mr. Bell.

**The Joint Chairman Mr. Laflamme:** Surely, Mr. Justice. I think we should adjourn for 10 minutes.

**Mr. Landreville:** Thank you.

Recess.

• (5.15 p.m.)

—After recess.

**The Joint Chairman Mr. Laflamme:** Mr. Landreville, would you like to continue?

**Mr. Landreville:** In answer to the question put to me by Mr. Bell, I have here a list of data of progress in this matter of a franchise from day to day, prepared by the Fuel Board and I am not too sure if there is a copy of this filed already on the Rand Commission, but I think there is. However, for greater security I would like to file it and it will answer. The relevant date is July 16. The board signed the approval order providing for the amendments which both parties had agreed on. That is the day before the signing, the passing of the third reading of the bylaw, and on August 15, 1956, the board issued the Certificate of Public Convenience and Necessity.

**Mr. Fortier:** What year?

**Mr. Landreville:** August 15, 1956. And that board order, as will be shown, was the routine order.

**Mr. Fortier:** It is filed as Exhibit 121; page 815 of the transcript, filed by Mr. Crozier.

**Mr. Bell (Carleton):** If I might just pursue that for a moment; I have in my hand Exhibit No. 93, or a copy thereof, what purports to be the order of the Fuel Board, dated August 15, 1956, and I would like to quote from it, if I may. Well, I do not think it is necessary to go back, but it indicates that there was a hearing on June 21, 1956, and it goes on

—and this hearing having been adjourned and brought on again on the 31st day of July, 1956 at a public hearing in the presence of counsel for the Applicant and in the presence of His Worship Mayor Landreville and counsel for the Corporation of the City of Sudbury and upon consideration of the evidence—

and so on, and the board orders the grant of the certificate of Convenience and Necessity to NONG.

**Mr. Landreville:** Yes.



**Mr. Bell (Carleton):** So that this would indicate, according to its recitals, that the final hearing was on the 31st of July and that you, sir, were present on that occasion.

**Mr. Landreville:** Yes. Do you wish an explanation as to what took place there, according to the evidence?

**Mr. Bell (Carleton):** Yes.

**Mr. Landreville:** On this 31st of July, this was a board hearing given for the specific purpose of putting the final stamp of approval on that company for feasibility and necessity of the company, and it was not a question of any terms of our franchise or anything relating to us, but whether that company was a company to be approved by the board. It had already indicated quite clearly in June that it approved of it. But it was a very brief hearing and—

**Mr. Bell (Carleton):** I am very familiar with these hearings because, frankly, I negotiated a good many gas franchises in those days myself without buying a lunch or a drink for anyone. But I want to be clear that you were before the Fuel Board on July 31?

**Mr. Landreville:** Oh, yes. I was in person there.

**Mr. Bell (Carleton):** You were in person?

**Mr. Landreville:** Yes.

**Mr. Bell (Carleton):** And before the Fuel Board, Mr. Justice Landreville, on July 31, did you disclose the fact that on the previous day, July 30, you had accepted an option for 10,000 shares in the company?

**Mr. Landreville:** No, sir.

**Mr. Bell (Carleton):** And why not?

**Mr. Landreville:** The reason is that that Fuel Board hearing must not be taken to have been anything litigious between the city of Sudbury and the company. The Fuel Board had from June given every indication that it would accept that company and they adjourned it and it was a formality, if you wish. There was no dispute.

**Mr. Bell (Carleton):** But at the time when you appeared on behalf of the city of Sudbury, on July 31, you did not disclose to the Fuel Board or to any member of council of the City of Sudbury that you were the holder of an option for 10,000 shares?

**Mr. Landreville:** No, sir, I did not.

**Mr. Cashin:** I was not clear in my mind as to what transpired. But before I come to that maybe one or two other questions would clear it. I come back to the business with Mr. Hennessy in August. I would ask Mr. Justice Landreville, whether, when he said in his letter of July 30:

I fully appreciate the advantages of the offer you outline to me and I fully intend to exercise this option—

he regarded this at this time as firm and binding on him?

**Mr. Landreville:** Legally, no. I did indicate to him I fully intend to—

**Mr. Cashin:** You indicated your full intention, yes. All right. Now, would you have accepted this offer prior to the passing of the franchise by the council of Sudbury? If this letter was dated June 20, and the matter of the franchise was still, at least, formally unresolved, would you have accepted that offer?

**Mr. Landreville:** I wish to say, definitely not. I would have considered it highly improper for me to speak to Farris or enter any negotiations with his company as to even the future at any time when there could have been a conflict of interests.

**Mr. Cashin:** Well, then, I wonder if there is any substantial difference between prior to the third reading, or whatever the equivalent of third reading in council is, on July 17 and the period of time after that, in view of the fact that you could still have relationships between the council and the company over matters, as you indicated, that might be unresolved?

• (5.30 p.m.)

**Mr. Landreville:** I thought I answered that there were no unresolved matters.

**Mr. Cashin:** You said there were no matters that came before council or involved council with NONG during the rest of your tenure as mayor.

**Mr. Landreville:** There were no matters of importance in fact—I say no, my answer is, no. I just point out that in this statement, I put this on record, that June 5, 1958 there was a hearing granting leave to construct a pipeline in Sudbury. That pinpoints the next important step in the achievement of the work: 1958.

**Mr. Cashin:** There are two things in my mind. One is that there could have been—the fact that there was no relation between council and NONG in any matters that came up for discussion; certainly, would you not agree that there could have been some matters that could have arisen.

**Mr. Landreville:** No; I disagree, I think that when I spoke to Farris, it was quite concluded, and my evidence was—and the reason that I did speak to Farris, and that is related:

I suppose now that you have your franchise we will not see you around Sudbury any more for quite some time because the pipeline will not come in for a good part.

**Mr. Cashin:** But surely the relationship between NONG and the Council of Sudbury did not cease with the signing of the franchise. Obviously at some future date there would be relationship between the two.

**Mr. Landreville:** Yes, sir, there would be at some future date, but not within my term.

**Mr. Cashin:** I see; and if you thought that there would be relations within your term, would that have made any difference in the acceptance of the offer.

**Mr. Landreville:** Yes, I would not have entertained any conversation with Mr. Farris because I could have foreseen the possibility of conflict, and I would not have accepted his letter, nor acknowledged it.

**Mr. Cashin:** Then I put it to you: How could you explore all avenues of the possibilities of a relationship between NONG and the Council in the remaining six months of your office? Were there not unexpected things that could arise? Would it not be possible that the financing of the company could run into difficulties that might require coming back to Council, or that they could in fact get their finances earlier and move their schedule ahead; in other words, are there not a variety of matters, or some matters, that conceivably could have been contentious between NONG and the City of Sudbury?

**Mr. Landreville:** My answer is, in the realm of hypothesis, one could go indefinitely, but in the mind of what I knew and what everybody knew at that time, this was the end

of our negotiations with NONG, and there was nothing more to be done.

**Mr. Cashin:** I realize the difficulty of trying to answer in dealing with hypothetical questions, but it seems to me that in this case it is a factor, because—

**Mr. Landreville:** You state me a fact.

**Mr. Cashin:** Because you acknowledged that you would not have accepted the offer if you had known, or could reasonably anticipate, that there was going to be any relationship with the company.

**Mr. Landreville:** Yes, sir.

**Mr. Cashin:** So, therefore, if you had a four year term as mayor, as they do in some cities, rather than a two year term, this would have affected whether or not you would have accepted the offer.

**Mr. Landreville:** Definitely; I would not.

**Mr. Cashin:** The other matter is that I am still not clear as to what happened in August. To what it is exactly that Mr. Justice Rand is referring on page 83 when he said that Mr. Hennessy

was acting honestly, in co-operation with the City Solicitor, to obtain what were considered better terms;—

**Mr. Landreville:** I do not know what Mr. Rand refers to, "better terms"; the franchise had been signed in July.

**Mr. Cashin:** May I ask the question: is there no further discussion, is there no testimony of Mr. Hennessey? Is there any supporting testimony in the evidence to indicate where Mr. Rand got his idea that this involves some effort to get better terms? Could the counsel clear us up on that?

**Mr. Fortier:** There was Mr. Justice Landreville's testimony.

**Mr. Landreville:** Frankly I have had quite a few words with Mr. Hennessy at different periods of time on various subjects. He himself did not recall my taking him to task concerning gas, and Mr. Kelly, the City Solicitor, also stated that I had never interfered, and I gave him complete free hand.

**Mr. Cashin:** Your letter which says

You should have heard what I told Hennessy—about his meddling!

Do you recall what that was all about?



**Mr. Landreville:** I am trying to recall that. It has sort of been pinpointed as August because of the last part of that letter, that I was leaving for New York, but I regret I cannot help you what it was about.

**Mr. Cashin:** I just wonder if it was in order for me to ask counsel to see—

**Mr. Fortier:** I will find it.

**The Joint Chairman Mr. Laflamme:** While you are looking for that information, do you have some other questions, or can I go to—

**Mr. Cashin:** Perhaps I may have asked this question—I do not know—about the difference between buying the shares and accepting an offer to buy.

I believe that Mr. Justice Landreville said that if he had actually bought the shares, he would have felt obliged to disclose this to Council: so I wonder what the difference is between actually buying the shares and his reply of July 30, in which he expresses his intent to accept the offer.

**Mr. Landreville:** In buying the shares?

**Mr. Cashin:** I believe you said earlier, if I understood you correctly, that if you had bought the shares, you would have declared your interest.

**Mr. Landreville:** Oh, I understand; there I would have viewed it, in my own mind—and I hope that that is what you want to know: my conscience—viewed it as a very suspicious thing, if on the one day we pass the bylaw and on the next day I get a bunch of shares from NONG.

**Mr. Cashin:** If I may say so, Mr. Justice Landreville, you said that in your mind you would view it this way if you had bought the shares. I put it to you that certainly that the distinction I find hard to find is the difference between actually buying the shares and indicating an intention to accept an offer.

**Mr. Landreville:** The distinction is, that one is a option to be exercised after I am mayor, after I have ceased being mayor.

**Mr. Cashin:** What is it that in your mind would have prevented you from actually buying them at that time?

**Mr. Landreville:** Is that a hypothetical question or—

**Mr. Cashin:** You said what you were thinking at that time, that you would not have

bought the shares, and I gathered that it was because you thought it would not be proper for you to buy the shares.

**Mr. Landreville:** I simply say that in my own conscience it may have been—it may have given the impression of impropriety if I got those shares. Transpose yourself once more to the very conversation that we are not dealing from July to December with that company, and we were just talking of the future, and I considered it a private act, I repeat that Mr. Cashin.

**Mr. Cashin:** So therefore, you have acknowledged and we have had some discussion and some comment from you as to what was in your own mind. Therefore, according to your own mind, and to your own thinking, and to the standards that you imposed upon yourself, you would think that the buying of the shares might give rise to the suspicion of impropriety.

**Mr. Landreville:** Yes; if it was a very special favour, certainly; who would not doubt that. I would not be here today if that had happened.

**Mr. Cashin:** Therefore the standard of conduct which you imposed upon yourself was purely what your own reaction would be.

**Mr. Landreville:** Well, there we are coming again—exactly, according to my own conscience.

**Mr. Cashin:** In other words, if you did not have any guilty mind about this, then this would exonerate you—perhaps that is not a good way to put it—permit you to do the act; in this case accepting the option.

**Mr. Landreville:** In other words we are discussing a sense of morality or ethics. Is that it?

**Mr. Cashin:** The point I am trying to get at is that you have acknowledged to us that you think that it would be improper to buy the shares, and I put it to you that it is very difficult to get the distinction between buying and accepting an offer; and that many other people in the same position might have said they are both the same, but the real issue is what generally would be said by a collection of reasonable people observing it, and that the reason, it seems to me, that you would not have done it—you are completely innocent. I am putting it in this state of mine. There has been no previous conversations or anything.

This has come out of the blue on the basis of your friendship with Mr. Farris, the offer to buy, or the direct sale of shares?

**Mr. Landreville:** Do not only stress that; stress my future association.

**Mr. Cashin:** And your future association?

**Mr. Landreville:** That was the main thing at the time.

**Mr. Cashin:** But in your mind there is a difference between buying the shares outright and accepting an offer to buy.

**Mr. Landreville:** Well. Let me put it this way. You are going to look at the law itself. My own conscience—I would not have done it. I told you that I would not have done it, because anybody who would have said: you bought shares the very same month as the franchise was given, they may look at it as if I had influenced the Council.

**Mr. Cashin:** You would be concerned about what people would think if you bought them?

**Mr. Landreville:** Oh, on that basis.

**Mr. Cashin:** I mean think about the propriety of it.

**Mr. Landreville:** On that basis, my credo goes to the extent of saying, yes, because you don't deal. It may be taken as a big favour that he is doing to me to get those shares, whom another person cannot get.

**Mr. Cashin:** Then, if other people cannot make the distinction that you draw—and you have made the distinction yourself between buying the shares and accepting an offer—if others would think of them as really tantamount to the same thing, then really what you have had is a misunderstanding as to what constituted an impropriety, because you did it yourself.

**Mr. Landreville:** There is no misunderstanding in that respect. I am stating to you—

**Mr. Cashin:** Excuse me, but what I am trying to get at is that you are imposing the standard on yourself and you have acknowledged to us that there are certain things that you would not do because of this standard. If in the eye of the reasonable man, these may well be the same thing. They do not see the distinction.

**Mr. Landreville:** You say in the eye of the informed man, we come back to that again.

**Mr. Cashin:** But the informed man under the same conditions of exactly the same facts as we have here, Mr. Justice Landreville, might not—I put it to you—find it any different that you bought the shares rather than accepted the offer to buy.

**Mr. Landreville:** That is a matter of ethics, morality and conduct; in so far as I am concerned, I repeat that when I received that letter, while I was pleased with the option, the main thing I was looking to was a future association with that company.

I did not pry it out of Mr. Farris. I simply offered my services, and to show my goodwill with his company, I said, "I will even buy shares in it" and that is as far as I went.

But let us not again lose sight of the fact that the common man of whom you speak, or the reasonable man, so informed, if he had been offered those shares at \$2.50 in July 1956, he might have reacted the same way as many other shareholders who refused to pick up 16,599 shares which went unsold, and that is in the evidence.

**Mr. Cashin:** I am just wondering if counsel was able to get any—

• (5.47 p.m.)

**Mr. Fortier:** No I did not and I think you will refer to the statement in the memorandum that I filed with the Committee at the start of the hearing you will see that—this has come back to me—I indicated that I could not locate anywhere that letter to which Commissioner Rand referred at page, I think, it is 84, is it, that letter to Farris—

**Mr. Cashin:** Yes.

**Mr. Fortier:** My search now has not produced it. It does not appear to be in the Table of Exhibits, Mr. Cashin, and I have reread Mr. Hennessey's testimony, Mr. Farris' and Mr. Landreville's and I still have not come across it.

**Mr. Landreville:** Well I hope you are not looking at me, Mr. Fortier.

**Mr. Fortier:** No, no, no.

**Mr. Landreville:** I do not have that letter. It was produced and there is another letter that I would have liked this Committee to see, and that is the original that I received from NONG dated July 20, 1956, from Farris to me. The original was produced by me at the Securities Commission and it has been going



from hearing to hearing and we end up with a photostat.

**Mr. Tolmie:** I have just one question, Mr. Chairman. Mr. Justice Landreville, according to my recollection, this morning you stated that you would always be willing to attend any investigation, and that you would always be willing to make yourself available at any hearing. I think the impression you were trying to create is that you were going to be cooperative that you had nothing to hide as far as your stock dealings were concerned. On page 75 a statement is made by Mr. Rand which I find hard to reconcile with your assertion this morning. It starts:

His failure to attend the 1958 investigation and lay all the facts before the Securities Commission, including the manner in which the stock transfer was effected, while his memory of the events of 1956 and 1957 was fresh, and in the face of his protestations that he wanted an opportunity to denounce the imputations and to make public the facts, is, considering his public office, extraordinary behavior, and its implication serious.

What is your explanation of this?

**Mr. Landreville:** Mr. Rand took it that my name was prevalent in the newspapers in 1958 and therefore I should have gone to the Securities Commission in the 1958 inquiry and ventured my evidence to defend myself.

The facts are and this is a wrong date that my name did not appear in 1958, it was in 1959 at the time of the tabling of that report from the Ontario Securities Commission and I have searched the newspapers and I have looked at the legislature and I have reports of the debates of the Ontario Legislature and therefore in 1958 I gave this at the beginning of the hearing one day in 1958 I was not mentioned.

I consulted with some people around me should I and the debate in the provincial house, you must look at the debate, was between Mr. Frost, the premier as he was then and Kelso Roberts on the one side. There were accusations and counter accusations.

I was advised and I agreed with that piece of advice that I should not go and take sides in the house in 1958.

The 1958 investigation was aimed at the disclosure of ownership of shares by any members of the provincial legislature. I still repeat that I was never asked, nobody telephoned me, any person in authority, provincial police or otherwise in 1958, to say, as

mayor of the biggest city, have you got shares in that company. So those are the reasons.

**Mr. Tolmie:** You say, sir, that this investigation was designed to find out what provincial members had shares and this was their exclusive jurisdiction.

**Mr. Landreville:** No, no. The wording of that investigation reads to inquire whether there are any provincial members or municipal officials, that was the wording. I saw it after. I did not see at the time but the newspapers of the day were all aiming at the provincial members in the house.

Mr. Kelso Roberts said, if I may add, and I can give the quote: "that there were no municipal officials" and the opposition said there are, and the argument started there. Frankly, I did not think I should be welcome to go and argue either for one side or the other.

**Mr. Tolmie:** You were not formally asked to attend and give evidence?

**Mr. Landreville:** Never.

**Mr. Bell (Carleton):** You were aware of the investigation going on, though?

**Mr. Landreville:** Oh, I followed the newspapers, true, but they were all aiming at who is the member of parliament who has these shares.

(Translation)

**Mr. Guay:** There are some questions that have been put to you on several occasions, and I would like to put the same question again because it is not very clear to me. I wonder whether you judge it normal that a wise businessman, can telephone a company like the Continental, because you did it then, and I think you stated this, asking for 2,500 shares. Do you find this quite normal, that you do not know who called you, you do not know to whom you spoke in that telephone call? Do you find this normal for a businessman who is engaged in public affairs, do you find this normal?

**Mr. Landreville:** With all the respect I owe you may I first of all, quote the facts because some of them have not been properly quoted. It was not I who telephoned the Company and I said "Now I do not know what company I telephoned". What I said was: "I received a telephone call from Vancouver and someone said to me that these shares were

worth \$10, and I am under the clear impression that the call was from Continental. That is what I have always maintained. Now, Mr. McGraw contradicts me. He states he did not telephone me at all, he stated this very clearly. I did not say it was McGraw, on the contrary, I said I never heard the name of McGraw mentioned until later. But that a person from that office or from a Broker's office telephoned me, that is my impression and he would not have sold my shares without my authorization. When I received the letter of the 12th of February, 1957, it did not come out of the blue because I was expecting it and I stated on several occasions, that it was not from Farris. Mr Rand questioned me very closely about that. I do not see that it could be anyone else than Mr. Farris, he said and the transcript does not register the tone of voice, but the many questions he directed at me, has certainly underlined the fact, it might have been Farris. That is what I said. But I must repeat that it was not Farris who telephoned me.

**Mr. Guay:** The question I put is the following one. Do you find it quite normal that you do not attempt to find out who is the person you are speaking to over the telephone, when a \$25,000. transaction is under way. That is what I have been thinking about since the beginning of your evidence.

**Mr. Landreville:** I stated simply and I repeat it, I am under the clear impression that it was Continental that telephoned me. Someone from Continental who telephoned me, and Mr. McGraw says it was not he, and I stated on several occasions, and I repeat it again, I reiterate it and it is still my impression after ten years. Do you find it quite abnormal that I do not remember the name of the person?

**Mr. Guay:** That is what I cannot understand, that is why I put the question to you. I find it quite abnormal, but I am not a businessman, but let us say for a businessman who is in business, and who was dealing with the amount of \$25,000, it seems I would remember with whom I made the deal.

**Mr. Landreville:** I would remember the name of the person?

**Mr. Guay:** Certainly.

**Mr. Landreville:** No, the name has escaped me, if I did know it I do not remember now. They questioned me, and told me "Mr. McFail

was in your office, it was not he who telephoned perhaps?" And then, he said, "No, I do not think so".

I could put the question to you. Were you here when I related the evidence that McGraw produced under cross-questioning. He stated, "It is possible that it was done by my office". He said it might have been by his office. And I equally related the evidence of the Judge, Judge Wells, who, to his way of thinking, in Mr. Farris' trial, stated that the evidence of McGraw from the viewpoint of creditability, was not evidence that could be accepted by the court because he contradicted himself. That was the opinion of the Judge. Now, Mr. Rand accepts the evidence of Mr. McGraw.

**Mr. Fortier:** What was the statement of Mr Wells?

**Mr. Landreville:** I will tell you.

(English)

I did quote it before, Mr. Fortier, do you remember?

**Mr. Fortier:** No, I do not that is why I asked the question.

**Mr. Landreville:** No? Well, let me refresh your memory.

**Mr. Fortier:** That he would have said that McGraw was unworthy of belief?

**Mr. Landreville:** Well, yes I will read that. Where is that page? It is in the other one. I read this part before—to refresh your memory:

Now, gentlemen,

This is at page 1572 of the transcript in the Regina versus Farris trial.

Now, gentlemen, as I have told you before in the face of McGraw's extraordinary retraction I would think you might have the greatest difficulty believing his evidence in chief. He apparently is one of those people who are fascinated or hypnotized by whoever is examining them. He agrees with whoever is examining him but can you convict this man beyond a reasonable doubt as to his guilt on that evidence which to a very substantial degree is contradicted by the witness himself and corroborated only in the particular that Farris had set up the account and had given him the names of probable purchasers when the account was set up.



**Mr. Fortier:** This does not go to the question of the telephone conversation.

**Mr. Landreville:** Ah, yes. Now I am coming to that. Do you remember my reading a part where it said Mr. Sedgewick is cross-examining Mr. McGraw—?

**Mr. Fortier:** It is in Volume 8 of—

**Mr. Landreville:** And that is quoted in Rand's Commission where he is asking Mr. McGraw:

Well, would you go—this is the Landreville account was it not?

He said yes.

Would you sell his shares without his knowledge? Without telephoning him?

And McGraw finally said:

It is probable

I will not say the word probable. Page 1564. The answer:

May I take it that with Mr. Justice Landreville, with McLean, with Smith, with Graff and with Levy and each of these people, when these shares came into your office some time in February, you would set up an account in the name of each one?

A. Yes. I have seen one in the name of Landreville.—

Q. From then on that would be their account? A. Yes.

Q. And the disposition of those shares would be subject to their approval or direction?—A. That is right.

And Mr. Justice Wells states he had previously said that everything had been done under Mr. Farris' direction and here he is saying that is not true. That was the judge who has just commented on this. Mr. Sedgewick, Mr. McGraw is questioned in Regina versus Farris in the transcript at page 781 and Mr. Sedgewick asked him about a telephone call:

Q. Might it have been done? There was a Mr. McPhail with you at that time. Might he have made such a call to Mr. Justice Landreville saying "do you want to sell 2500 shares?"—A. I don't think so.

Q. You don't think so but you aren't prepared to say it did not happen?—A. No.

**Mr. Fortier:** I think he was a very fair witness.

**Mr. Landreville:** So I mean It sort of endorses Mr. Justice Wells views of this witness but Mr. Rand accepts the credibility of Mr. McGraw.

• (6.03 p.m.)

**Mr. Fortier:** Because Mr. McGraw said before him at page 944 in answer to a question:

Do you think that anybody in your office would call a man up to Sudbury and ask him if he wanted at that moment, to have some of his shares sold without notice to you?

The Witness: As I stated, sir, no.

The Commissioner: No, I know, but I have the inference, from what you said first, that that might happen. Now, do you think it might happen?

His answer was:

Well, sir, I am not going to state that it couldn't happen, but to the best of my knowledge, it couldn't.

(Translation)

**Mr. Guay:** Have you found the person with whom you communicated by phone?

**Mr. Landreville:** No.

**Mr. Guay:** There was no inquiry conducted?

**Mr. Landreville:** I say simply this that the man named himself, it was a man, the man named himself, he stated what his name was, but I have forgotten the name. I am under the impression that it was Continental, and that is what I said, one of the salesmen I do not know, he did not say: 'I am the Chairman of the company, or the Vice-Chairman'. He did not do that.

**Mr. Fortier:** This man was speaking to a Justice of the Supreme Court of Ontario?

**Mr. Landreville:** Yes.

**Mr. Fortier:** He did not remember to the extent that he came to one inquiry or another to say that: 'It was I who called Justice Landreville'?

**Mr. Landreville:** I do not know where this man is.

**Mr. Guay:** That is why I put the question. In the reading of the report on several occasions the Justice seems to refer to the telephone call, saying that he seems to be all very

confused. But I wonder why no one has ever been able to identify the man with whom you were speaking. Are there thousands and thousands of people employed at Continental?

**Mr. Landreville:** No, there are not many employees. There are few employees in that office.

**Mr. Guay:** Few employees, but they were never identified.

**Mr. Landreville:** Yes, several years later we tried to find out the identity of the person.

**Mr. Fortier:** They all said it was not they.

**Mr. Landreville:** They could not all testify.

**Mr. Fortier:** There is Dulian, McFail, McGraw—there were the two others, and there were the salesmen, on the stock exchange, is that not right?

**Mr. Landreville:** Can I revert to English?

(English)

The point is that I am making, Mr. Guay, is that personally I know—Mr. Rand makes a big issue of this affair, whether I did get a phone call or not and I never attached that much importance in these hearings to it. At the time I was struck and you can imagine my reaction, that I was struck by the good fortune that was coming to me and at one blow and that I did say, "Well, sell". Naturally, it is all right to sell, 2500 shares and that was O.K. to pay for my debts and that is entered in the ledger account. And that is to me a normal thing when a stock goes up to sell enough to pay what you owe.

(Translation)

**Mr. Guay:** And even today, when you know you were to be questioned by the Committee here, you did not continue the investigation to find out, because you certainly suspected we would be questioning you about it. You did not try to establish who the person was, because for all of us, and I think all members of the Committee, and myself, this would have clarified one thing. There would have been a new fact brought before the Committee that might have changed the conclusions of the Committee. That is the question I was going to put: Do you think that during your evidence, you brought in new facts that will enable us to change the conclusions of the Rand Report? That is the question I put to myself, and I put it to you.

**Mr. Landreville:** Definitely, everything depends on the importance...

(English)

It depends on the importance that you give to the certain facts brought out by Mr. Rand. You may view that as a very important thing but I have never denied that Farris gave instructions to McGraw and it was through Farris that the stock went to McGraw.

There is no doubt about that. Nobody has ever denied that, and that I was simply on the receiving end, so far as that is concerned but that the stock was sold without my permission, I am still under the impression I gave my permission to sell enough stock to pay for my debt. Now, what does it change to the entire picture that is a question?

Suppose, that I had said. "I have received no telephone call. Everything went through Mr. Farris." Would it change very much. It would depend on the importance you give to that. Farris did give instructions to McGraw, McGraw says so and Farris said so himself.

**The Joint Chairman Senator Lang:** Do you recall where you received that telephone call?

**Mr. Landreville:** Osgoode Hall.

**The Joint Chairman Senator Lang:** A long distance call from Vancouver.

**Mr. Landreville:** Yes.

**The Joint Chairman Senator Lang:** To your Chambers?

**Mr. Landreville:** Yes.

**The Joint Chairman Senator Lang:** Do you not have a hidden number, you judges, that is not available to the public?

**Mr. Landreville:** No. We are also on open lines to Osgoode. I have a private line.

**The Joint Chairman Senator Lang:** It has been my experience you can never get it.

**Mr. Landreville:** I have a private line also but I have an open line, EMpire 3-4101.

**An hon. Member:** You want to save that one, gentlemen.

(Translation)

**Mr. Guay:** I would like to ask a last question. I did not get too many replies to the question I put, I wondered whether you could summarize in a few minutes the new facts



you think you brought to light before the Committee to help us, because it seems to me we should know what new facts you might have brought to the Committee in your own mind. I do not know if the question is a relevant one?

(English)

**Mr. Landreville:** It is a very pertinent—may I answer you in English?

**Mr. Guay:** Yes.

**Mr. Landreville:** Whether I have brought here any new facts, in certain respects, my evidence that I have given to you is there. I would have liked to bring new facts to you pertaining to those realms of character and also of events which may have followed in 1957 but you ruled in this matter that you will not hear character and therefore, the character which Mr. Rand ascribes to me has to remain in the report and I cannot demolish it. It is there perpetually.

(Translation)

**The Joint Chairman Mr. Laflamme:** Mr. Goyer, have you a question to ask?

**Mr. Goyer:** When you mentioned to Mr. Farris that you were interested in eventually buying shares in this company, did Mr. Farris indicate to you that there were no shares available at the time?

**Mr. Landreville:** I will reply to your question by saying first of all, the first thing that is at issue was the question of my future employment with the company. That was the essence of the matter. And I put forward to him to show my good faith, the fact that I would be interested in buying shares. He said to me that the company was only in the stage of getting supplementary letters patented to enable it to issue new shares and the proof is that there was a subdivision, five for one, and these shares only arrived very late in the fall, and it was which led to our shares being transmitted to McGraw in January. Have I replied to your question?

**Mr. Goyer:** At what time did you discuss this eventual purchase of shares in the company with Mr. Farris, on what date?

**Mr. Landreville:** The first time was July, 1957.

**The Joint Chairman Mr. Laflamme:** These questions have already been answered.

**Mr. Landreville:** And the second time, was in September, the third time, in October.

**Mr. Goyer:** And you say it was the 17th of July? Is that right?

**The Joint Chairman Mr. Laflamme:** 1956, yes?

**Mr. Goyer:** Now, if I understand correctly, it was on the same day that there was a meeting of the shareholders of the company with a view to discussing the new supplementary letters patent to increase the capital stock of the company?

**Mr. Landreville:** These facts have been reported to you, not by myself. I was not aware of that, Mr. Goyer. I did not know that the company had held a stockholders' meeting.

**Mr. Goyer:** Where did you have this discussion with Mr. Farris?

**Mr. Landreville:** It was while driving him back to the hotel in Sudbury in the evening, at the hotel where he was staying.

**Mr. Goyer:** Are you aware of where this shareholders' meeting had met?

**Mr. Landreville:** No, not at all.

**Mr. Goyer:** Neither that of the 18th of July, 1956?

**Mr. Landreville:** No, not at all.

**The Joint Chairman Mr. Laflamme:** Are there any other members who have questions because it is ten past six and if other members have questions to ask it might be—

**Mr. Bell (Carleton):** It will only take me a couple of minutes, I think, I am still puzzled by the letter to which Mr. Cashin drew attention. It appears on page 84 and perhaps you could help me by indicating who the two people are with whom Mr. Farris was to have the interview. In paragraph 3, it says:

Hope interview with Jones & Kelly is successful.

Who are they? Is that Kelly, the City Solicitor? If so, who is Jones?

**Mr. Landreville:** Well, Kelly might be the solicitor but I cannot recall Jones. There is no Jones on the Council or Jones working for the City. And I may be referring to two other persons, sir.

**Mr. Bell (Carleton):** You do not recollect?

**Mr. Landreville:** I do not recollect which Jones—it could be and it could be another Kelly.

**Mr. Bell (Carleton):** Would that have been the then Minister of Mines, Philip Kelly?

**Mr. Landreville:** Ah. No, at that time I did not know that Phil Kelly had any interest in NONG. That had not come to me in 1956. As a matter of fact, I think I only heard that in 1957.

**Mr. Bell (Carleton):** Well it appears to relate into what you told Hennessy about his meddling and I am concerned as to what it was you told Hennessy in view of the fact that you reported it to Farris.

Presumably, it must have had something to do with NONG or you would not have discussed it with Farris or reported to Farris?

**Mr. Landreville:** Sir, Mr. Hennessy was asked that question and I was asked that question, and I cannot answer it.

**Mr. Bell (Carleton):** You cannot today?

**Mr. Landreville:** I cannot today.

**Mr. Bell (Carleton):** Yes. Then, the other field is. I have in front of me Exhibit No. 65 which is your report to the Council dated August 3, 1956, and is the result of the hearing on July 31, of the Fuel Board, and I notice in this, the third paragraph says:

Mr. Kelly and I questioned, during two and one half hours, the said witnesses and also discussed further matters with the Board.

So that I am just placing that with you. The hearing on July 31 was not a pro forma, yet you questioned witnesses for two and a half hours?

**Mr. Landreville:** Yes, well—the fact is that we wanted to know their finances, the finances of the company, the finances of NONG and how they were going to—that was the application for the certificate of convenience and feasibility—whatever name it is.

**Mr. Bell (Carleton):** Convenience and public necessity.

**Mr. Landreville:** Yes. It was just a questioning of the finances of the company. That had nothing to do with the franchise as such—quite.

**Mr. Bell (Carleton):** But the hearing—You questioned witnesses for two and a half hours on that occasion according to your report, you and Kelly.

**Mr. Landreville:** If the report says so, I must say yes.

• (6.15 p.m.)

**Mr. Bell (Carleton):** Well, then the only other feature of the report, and it is the last matter that I would raise. In view of your evidence that nothing further came up related to NONG, may I draw your attention to this phrase in your report:

On my return to Sudbury, after conferring with others, I have felt that whether or not a separate company should be exacted is a question that would come under the field of Auditors and Chartered Accountants of this City. Consequently I had an interview with Controller Fabbro, Messrs. Don James and Clerk-Comptroller Murphy and I have arranged for a meeting of Mr. James and Mr. Kelly in Toronto on August 8th at 10 a.m.

Now, I am raising that—subsequent to this, you did have discussions with members of your council on NONG matters?

**Mr. Landreville:** Mr. Bell, what happened there—that letter about a subsidiary company, that is what it refers to. What I did, I appointed, pursuant to the undertaking of the company, Mr. Kelly and I believe Mr. Hennessy, and they are named there—the city auditor as a committee to see whether it would be advantageous to the city to have a subsidiary and I did not attend the meeting. I was not there, and I did not partake in that. They prepared their report which is also filed as an Exhibit saying there is no advantage to the city.

**Mr. Bell (Carleton):** And that report is dated—?

**Mr. Landreville:** It is dated in August.

**Mr. Bell (Carleton):** Of 1956.

**Mr. Landreville:** 1956, yes.

**Mr. Bell (Carleton):** So that there were dealings on the part of city council with NONG subsequent to the 17th of July.

**Mr. Landreville:** Well, sir, if you call that a dealing I will agree with your definition, but I would say that it was not a dealing as such.



It was a consideration that had been put in the hands of that committee. There was nothing more that I had to do.

**The Joint Chairman Senator Lang:** Mr. Bell, may I ask a question? Are you suggesting that possibly the name Jones in the letter on page 84 is a misprint and it should be James?

**Mr. Bell (Carleton):** Well, I began to wonder when I read the other if the two persons concerned were not James and Kelly.

**Mr. Fortier:** Well, sir, I would be glad to elucidate this point, thanks to Mr. Meingo here, the assistant to Dr. Ollivier, I have found the letter. It is filed as Exhibit 72. It is a photocopy; I can see that it could well be James instead of Jones. I will leave it to the members of the Committee to read for themselves.

**Mr. Bell (Carleton):** Perhaps Mr. Justice Landreville can tell. It looks to me as if it might be James.

**The Joint Chairman Senator Lang:** Well, we will see.

**Mr. Landreville:** Well, it is my own handwriting and frankly, it is J-A-N-E-S, or J-M-E-S or J-O-N-E-S, and—

**Mr. Bell (Carleton):** Well, the significance would be, if it is James and Kelly, it means that Farris in August was negotiating with officials of the city of Sudbury. You were hoping that his negotiations would be successful.

**Mr. Landreville:** Well, I can only tell you that about this there was nothing of significance to it than to my knowledge Farris did not negotiate in August. That was a separate committee set up to investigate the facts.

**Mr. Fortier:** Had you met Mr. Leonard Dickson by August 1956? He was the New York director of NONG, was he not?

**Mr. Landreville:** He was the New York director, yes.

**Mr. Fortier:** Had you met him in August, 1956?

**Mr. Landreville:** I had met him in the Fuel Board hearing in Toronto in June. There was a Fuel Board hearing on this feasibility certificate and I was introduced to him then.

**Mr. Fortier:** Do you still have your diaries with you, Mr. Justice Landreville?

**Mr. Landreville:** Yes.

**Mr. Fortier:** I think it might be useful because I note that this was not done—this was what mislead me—before the Rand Commission. I think it would be useful for you to pinpoint from your diary the exact dates to which this note refers—this Exhibit 72 refers. It would be August or thereabouts.

**Mr. Landreville:** Of '56?

**Mr. Fortier:** I presume. It is addressed "The Cabinet de Mayor" so it would have to be probably before September of that year.

**Mr. Landreville:** Now, what date do you wish me to look up, Mr. Fortier?

**Mr. Fortier:** The date on which you left on Sunday night for Toronto by train. On the Monday you left Toronto by train for New York.

**Mr. Landreville:** If I may just turn over here, I have here written—"Toronto, Monday, 13th, plane to New York—Waldorf Astoria—1.35."

**Mr. Fortier:** So, this is what date, please, sir?

**Mr. Landreville:** The 13th of August.

**Mr. Fortier:** The 13th of August. I see. Leaving by train Sunday night, so this would have been in the week preceding the 13th of August?

**Mr. Landreville:** I left Sudbury on Sunday, August 12, by train with my wife and then came to Toronto overnight and then took the plane in Toronto on the 13th.

**Mr. Fortier:** So this is how you were able to pinpoint the date of this undated note to Mr. Farris?

**Mr. Landreville:** Yes. Yes, as a matter of fact, the letter says "for New York, 1.30 Monday" and that is Monday the 13th. May I elaborate on one question which Mr. Bell has been so kind to bring up, if I may have Mr. Bell's attention. Pertaining to the events that you have alluded to in August, there have been several witnesses—municipal council, Mr. Kelly, Mr. Hennessy who have been questioned on that matter as to my partaking in these affairs, and they have given evidence.

I think I am safe in saying that nowhere in the month of August is it shown that there was anything of importance settled with NONG.

**Mr. Bell (Carleton):** I was just wondering, you see, whether this was with James and with Kelly because if it was with James and with Kelly, then presumably it had to do with the question of the incorporation of the separate company.

**Mr. Landreville:** Yes, well, Mr. Kelly—

**Mr. Bell (Carleton):** They were both involved in that.

**Mr. Landreville:** Yes. Mr. Kelly gave evidence on that. He said they examined the thing with James and Kelly and they wrote a report—a full report—and said that it was not advisable.

**Senator Cook:** What difference does it make whether the matters be big matters or small matters, there were dealings between the company and the city council or officials after your letter of July the 30th.

**Mr. Landreville:** I say, sir, there were no dealings as such. There was a committee appointed—

**Senator Cook:** You are only splitting hairs?

**Mr. Landreville:** Well, you wish me to say there were dealings?

**Senator Cook:** I said that, not you.

**Mr. Landreville:** You say that but I say, sir, that these were not what I call dealing. This was just a reference to a committee.

**Mr. Bell (Carleton):** But Farris may have—it looked as if Farris went and interviewed James and Kelly about it.

**Mr. Landreville:** Well, he said, “look I do not recall, sir, I do not remember attending any meeting with them, nor Farris being there”.

**The Joint Chairman Mr. Laflamme:** Gentlemen, may I have at this motion from one of you for the printing of the memorandum circulated among the members which is signed by Messrs. David Humphrey and P. J. Donnelly, as counsel, as an appendix to today's proceedings.

**Mr. Bell (Carleton):** I so move.

**Senator Fournier (de Lanaudière):** I second the motion.

**Some hon. Members:** Agreed.

Motion agreed to.

**The Joint Chairman Mr. Laflamme:** Have the members any further questions to ask of our witness?

**Mr. Cashin:** If there are no other questions in your mind, I just have, if I may, one thing arising out of my earlier questioning. Could I say from the results of the questioning we had between myself and Mr. Justice Landreville as to difference between actually acquiring shares at that time and the option, that you recognize that an innocent man must protect himself from committing an act which, while innocent itself, may give rise to suspicion of impropriety.

**Mr. Landreville:** In so far as prudence is concerned?

**Mr. Cashin:** Yes.

**Mr. Landreville:** You are coming into the classification of Caesar's wife—

**Mr. Cashin:** I was going back to the reasoning—you said that you would not have acquired the shares at that time because, I think—you admitted that this would give rise to some suggestions—

**Mr. Landreville:** Yes, I say that one who is in a municipal office and makes a deal with a company with whom he is negotiating and derives a benefit of substance, certainly would give rise to suspicion, justifiable suspicion. That I agree, but the distinction I make, Mr. Cashin, is this, that when one is in office, I do claim that it is not prohibited, either in morals or in law for him to say, “now, look this year there is nothing doing between us; you know that, but next year I will be available to work with your company.” That is not prying services, that is not begging favours, or anything.

**Mr. Cashin:** No, I realize that you draw a bit of distinction between the two, but as to the principle that there were acts or there could be an act of itself which might give rise to suspicion, though the act itself be innocent.

**Mr. Landreville:** Yes, definitely; I agree with you. If anybody in office, in a municipal office who receives favours is apt to be criticized, and it can be linked that the reason



why he gets that favour is because of his office, and I quite agree on that principle; and it is not prudent for any municipal official to do that, but in this particular case, I keep repeating, place yourself in my position. I had no idea these shares would go up, and secondly, it was a blanket promise—next year we will talk about it.

**Mr. Cashin:** O.K., that is all.

**The Joint Chairman Mr. Laflamme:** Do I take it that there is no more evidence.

**Senator Fournier (de Lanaudière):** I am sorry, I did not hear you.

**The Joint Chairman Mr. Laflamme:** I take it that there will be no more evidence.

**Mr. Landreville:** Are there any other questions from the members of the Committee?

**The Joint Chairman Mr. Laflamme:** No. I asked the members of the Committee. They have indicated that they have no other questions to ask of you.

**Mr. Landreville:** Well, I can only sum up with this, gentlemen, that I express my gratitude first of all, to my two silent counsels here, who I must say have not spoken much for the record but have advised me from time to time, and I am grateful to all of you.

I am impressed by the attention you have given to me. I must say that frankly, to you Mr. Chairman and Mr. Co-Chairman and Mr. Fortier. I would have hoped that there would have been a continuous attendance. I know that it is difficult for all members, because I have found myself, first of all, under tremendous handicaps. No. 1, it was admitted at the beginning that Mr. Fortier was the only one who had read the evidence; therefore, it made my case more difficult to explain to you. True, Mr. Fortier gave you a résumé and I amplified. No. 2, there were some members who were in attendance at times and at other times could not because of other commitments but to me, to understand my case fully, one must follow it from the beginning to the end.

• (6.35 p.m.)

I end up on this comment, gentlemen, that if my character is in question as to integrity I could bring and I am still willing to bring witnesses in that respect. Surely, place yourself in my position, where I am today and what faces me, and I am not appealing to your sympathy or anything. My position is that I

have served close to 30 years, generally speaking, in public life, on municipal boards, council. I regret the reflection on my own city. I regret the reflection on many people, but placed in those same circumstances in July, 1956 I reaffirm, I am likely to have done the same thing again, so I do not come here to say, I have made an awful mistake. One change I might make and reconsider had I known the future, I might not have agreed to serve my country for 11 years, as I have, at substantial financial loss. I just want you to understand that a man who serves in public office does not expect, none of you, his bust in bronze on the public square. That goes—we do not expect it, but surely we do not expect the destroyed, and that we have a right to. I consider these acts, all of which we have gone through, my private business and there are no links whatsoever on the facts with any of my acts as mayor. They were my private affairs. I do not say this by way of blame to you, it has been a thing that has been snowballing and here I am after close to five years of hearings.

I must say gentlemen, just to quote you a figure which is of importance, that I have spent some \$30,000 defending myself, most of the time uselessly. I say generally what I have to defend myself is against what? Mr. Cashin brought an example this morning. Mr. Rand is of the opinion I should have sued newspapers, and maybe I should, but a judge does not do that, I consider. A judge does not sue the Law Society, does not sue people. He expects to have protection. Generally, the papers have treated me well, except for one or two which have been particularly vicious. On that note, gentlemen, I leave you with the very simple terms that I speak to you as Canadians and I want to live as a Canadian, because I have no lessons to give to anyone on patriotism or civics, but I will not take any from anyone. I have no lessons to give on integrity to anyone, but I will not take any lessons either. I thank you.

(Translation)

**The Joint Chairman Mr. Laflamme:** In the name of all the members of the Committee here present, I wish to express to you our satisfaction that we had an opportunity to hear your case from you and here you established before us your version of the facts and I must state that even if at certain moments in the hearing, a few of the members of the Committee were absent, nonetheless I can tell

you that all the deliberations of the Committee will be revised most carefully and the decision which the members of the Committee will take is not an easy one to reach.

It is a responsibility which has been imposed upon us up to a certain point. But it is our duty to accomplish this duty and reach a decision and we have the satisfaction of having amongst the Committee as you, yourself, stated it, seventeen lawyers and according to the terms of reference by which Parliament established our Committee. I assure you, as Chairman, and I am sure that all the members of the Committee feel the same way, that we are going to do our duty in complete serenity of spirit, in full awareness of our responsibility, in full cognizance of all the facts that you submitted to us and of all the

facts that have been submitted to us in Justice Rand's report and in the transcript of evidence and exhibits.

Once again, in the name of all members of the Committee, we thank you and we trust that we have not taken up too much of your time nor exhausted your energies during the days when we have heard you. Thank you.

*(English)*

Do you have anything to add, Senator?

**The Joint Chairman Senator Lang:** I will just add, Amen.

**The Joint Chairman Mr. Laflamme:** This meeting is adjourned until 8.30 this evening. The meeting will be in camera.



## APPENDIX "F"

June 12, 1965

Mr. W Earl Smith  
Secretary  
The Law Society of Upper Canada  
Osgoode Hall  
TORONTO, Ontario

Dear Sir:

I have been shown in the last few days only a copy of the Report and Resolution you have sent to the Hon. Guy Favreau concerning Mr. Justice Landreville.

It becomes imperative to me to comment on same as a grave injustice is being done on the interpretation of facts of this case as I know them.

The Report contains questions which satisfy me that your committee failed to have the benefit of all the evidence heard and seen by me. Otherwise, it would not have stated certain matters remained unanswered and that it could only speculate. The questions which your committee puts are answered by the evidence to the complete vindication and innocence of Landreville. Further upon review, the Attorney General has agreed with my decision.

The misunderstanding of this case by you and some press comments arises from two unfortunate incidents. Firstly, the judgment I rendered could not possibly encompass, review and bear on all the facts heard during a five day hearing. Wherefor certain facts may nor appear to have been considered by me. I wish to assure you all facts have been taken into consideration and they do not allow certain inferences your Report draws. Secondly, I have used in the judgment these inaccurate words: "I cannot find sufficient evidence to place him on his trial". As you well know the

established law, on a preliminary hearing it is not a question of *sufficiency*. If there is *any* evidence on which a jury properly charged *could* convict, the magistrate *must* commit to trial.

In the Landreville case, *not only was there a total absence* of evidence he had been guilty of municipal corruption, my decision points out findings which disprove that possibility or necessity.

There was unanimous agreement by all municipalities in Northern Ontario (Rf to minutes of meetings held in Kirkland Lake Feb. and March 1955) that one company would distribute gas and NONG would be that company. Sudbury delayed for a time waiting on the decision of Copper Cliff. If Sudbury wanted gas as a utility (and it did), it was inescapable that its franchise go to NONG. This was so long before Landreville *knew* Farris and definitely before Landreville was given any option to buy shares.

Of course, if you disagree with my view of the facts and my decision, as confirmed by the Attorney General, there the matter rests. The Attorney General is aware of my writing this letter.

For the sake of truth and justice, I feel it is my duty to state the above. The Benchers may see fit to reconsider their Report...and readvise the Minister of Justice in the light of these explanations. Should more information be required, I would be willing to appear before Convocation to explain the case.

Yours very truly,

A. J. MARCK,

Magistrate.

Copies to: Hon. Guy Favreau  
Hon. A. Wishart

## APPENDIX "G"

## MEMORANDUM

Procedure and Parliamentary precedents *supplementary* to the Memorandum submitted by Maurice Ollivier and submissions thereon in the Matter of Mr. Justice Landreville.

and

Comments on the submissions made by Mr. Yves Fortier dated February 22nd, 1967 to the Joint Committee.

Subject to the objections previously recorded, for the assistance of the joint committee the following may be noted.

1. We are concerned with the interpretation of Section 99, of the B.N.A. Act which reads as follows: The judges of the superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. Hereinafter we will consider historical precedents on the meaning of "during good behaviour".

2. As correctly stated by Mr. Fortier, the joint-committee is *not* the *proper* forum to determine questions of law and *except* as to what might constitute a "denial of natural justice", the committee has unrestrained powers.

3. It is submitted *that it is* within the powers of the committee to review *all* facts and determine if there has been denial of natural justice.

4. The interpretation of the terms of reference, being the framework of the Report of the Commissioner, may be examined and determined by the Committee as it is an extension of Parliament. The fundamental rule is fair hearing and fair comment within the terms of reference.

5. The consent of Mr. Justice Landreville to the investigation under the Inquiries Act is limited to an inquiry into "his dealings with N.O.N.G. and its officers, and if anything done...in the course of such dealings constituted misbehaviour etc., etc."

6. All evidence before the Commissioner was directed by both counsel (Messrs. Morrow and Robinette) to the circumstances of "the dealings in N.O.N.G. stock".

It was not directed to:

- (a) the character of Mr. Justice Landreville
- (b) the evidence heard at previous hearings and trials, the entire transcripts of which were not put before the Commissioner, nor are before this Committee—and there is no contradictory statement made—only variations of time and place.

7. The Report of the Commissioner is *an advisory and administrative* document only to the Government and *until acted* upon, an application to Court to quash same is premature. We have now passed this stage.

(Rf. The Imperial Tobacco Co. Ltd. v McGregor (1939) O.R. 213)

Page 218—The Report—"it is not even made evidence"

Headnote: The Commissioner... must act fairly and impartially in accordance with what has been termed dictates of natural justice. In the above case, the Court found fair hearing since the Commissioner *before he made his report* gave to the companies full opportunity and reasonable notice of the allegations made against them. (p. 222)

8. Dawson—"Government in Canada" (1963) (referred as authority by Mr. Maurice Ollivier, Parliamentary Counsel) opines:

Page 440: "The process for removal of federal and superior court judges is a joint address of both Houses of Parliament, followed by actual removal by the Governor in Council. But this is hedged about with a great many formalities. Charges must be made by responsible parties and a petition submitted to Parliament praying for the judge's removal; the charges on the petition must be explicit and of such a serious nature that, if substantiated, they would justify removal; etc. The statement of Mr. Ollivier at page 10(3) may be repeated.

Page 435: "It is a strange doctrine, said Sir Wilfrid Laurier, to preach that the judges are responsible to Parliament. Where is that responsibility? I have always understood that the judges are responsible *only to their own conscience*, and Parliament has no power over them.



True, they can be removed but only on an address of both Houses of Parliament. That law has been adopted to make them absolutely independent of Parliament, and they are only responsible to Parliament in *extreme cases of malfeasance*. H. of C Debates Sept. 1903-p. 11313

Page 438: R. B. Bennett (June 1936—Hansard p. 3360) (speaking on retirement)—In the first place, if the judge resigns after at least fifteen years in office or because of *some permanent handicap which may disable him for judicial work*, he may be given a pension up to two-thirds of his salary at the time of his resignation... There is the *further danger* that such an investigation into the capacity of a judge to perform his duties is almost certain to disturb public confidence in the courts, and the final injury might therefore be worse than the situation it was *designed to remedy*...

Page 438: "The foundation of judicial independence is security of tenure; for it is this which sets the judiciary free from the ordinary bonds of political responsibility,... All the Canadian judges hold office during good behaviour. But this legal tenure is made even stronger by the practice of giving "good behaviour" an interpretation which for all supreme and superior court judges *excludes the removal on virtually any ground except deliberate wrong-doing*."

... "While his conduct may be shocking and the administration of justice may suffer, the lesser evil is to leave him alone; for an attack and removal for any but the most flagrant and scandalous offences would have detrimental effect on the work, security and peace of mind of all other members of the judiciary."

Page 439: "Good behaviour" as suggested above, is given a most generous interpretation, and bribery, gross partiality and *criminal proclivities* are probably the *only* certain offences which would lead to removal...

Edward Blake, Minister of Justice in 1883 said in H. of C. "I am not one of those who at all object to this great, this highest court of all, this grand inquest by proper means into the conduct of the judges... What was the cause then which could properly bring this judge's action under our consideration? It was a charge of partiality, of malfeasance in

offence—not that the judge erred, for all may err in judgment, but that he degraded his office, betrayed his trust, *wilfully and knowingly did a wrong thing, perverted justice and judgment*—that is the nature of a charge *which could alone* make it proper to have been brought here. Of that there is no allegation in the notice of Motion..." (Hansard 1863—pp 39-40)

There is no reported case in England, United States of America, or Canada for removal of a judge for an act done prior to his appointment—Much less on grounds of suspicion only.

Re: Sir Jonash Barrington (1828)

The only precedent existing for an *act done in office*... namely, malversation: appropriation of court monies in two cases.

Procedure followed:

1. House of Commons addressed Crown with request that the Commissioners of Judicial Enquiry... enquire.

2. Report from the Commissioners with documents and deposition of Sir Jonah B. layed before the House.

3. House refers to a select committee (not a joint committee) of House to report their observations and defence made.

4. Committee notified Sir Jonah, permitting him to attend and give evidence as well as to state to persons whose evidence he desired... After full investigation committee reported their opinion the judge had been guilty of malversation in office.

5. The House received the Report with Judges deposition and resolved to go into committee to consider same at future date... six weeks hence to allow Sir Jonah to prepare his defence to the Report of the Committee...

6. The House went into Committee, resolutions were presented setting forth grounds of complaint and opinion he was unfit. Resolution in Committee agreed to and *ordered to be reported* to the House.

7. Sir Jonah petitions to be heard for an enquiry at the bar and be allowed counsel for his defence. Granted. Counsel for Sir Jonah contends that House ought to adopt its own judicial proceedings and not be bound by the previous enquiry and proceed anew into the fullest investigation by the House itself.

8. The House *refused* additional evidence before the bar *on the ground that so strong a*

case against the judge had already been made out, on all the evidence and *founded upon the admissions* of Sir Jonah himself, there was no necessity for further testimony.

This decision was much questioned by the Ex-Attorney General... on constitutional grounds that "an address for the removal of a judge ought to be passed upon the hearing of evidence at the bar".

9. Nonetheless... a committee appointed to draft an address to the Crown. It recapitulated the acts of malversation, found him unfit and such was ordered to be communicated to the Lords for their concurrence.

10. In the House of Lords, Sir Jonah petitioned to be heard and produce witnesses. Permission was granted accordingly and full hearing was given at the bar with addresses by the Attorney General and counsel for Sir Jonah.

11. The evidence was ordered to be printed and the address thereafter was prepared. Assented to by His Majesty.

**Mr. Maurice Ollivier**, in his memorandum, makes reference to *Todd*—Parliamentary Government in England. He might have included the following:

Page 727—"In the case of misconduct outside the duties of his office, the misbehaviour must be established by a previous conviction by a jury."

Page 730—(last portion of quote)

"nevertheless, the importance to the interests of the commonwealth, of preserving the independence of the judges, should forbid either House from entertaining an application of this description, unless such grave misconduct were imputed to a judge as would warrant, or rather compel the concurrence of both Houses in an address to the crown for his removal from the bench. *Anything short of this might properly be left to public opinion*, which holds a salutary check over judicial conduct, and over the conduct of public functionaries of all kinds, which it might not be convenient to make the subject of parliamentary enquiry."

*Todd at page 731:*

... there was, and ever has been, a manifest determination, on the part of the House of Lords (here read Senate), to be governed upon such occasions by the established principles of justice in the trial of *criminal charges*...

*Re: Ollivier Memorandum (page 12)*

The Report of the Committee must *recapitulate* its reasons for having come to that conclusion...

*From all precedents* the principle seems established that:

In all cases where the judge is acting in his private capacity and in private life, he can be reached by the laws which apply to all citizens.

In Ontario the Revised Statutes (1960) *explicitly and specifically provide* that no councillor (and it applies to Reeve and Mayor as well) shall be deemed to *hold a disqualifying "interest"* by reason only of his *being a shareholder* in an incorporated company having dealings on a contract with the corporation... (The Municipal Act R. S. O. 1960, Sec. 35, subs. 3(a))

If the statute is *permissive* of an act by a councillor, *a fortiori*, it cannot be deemed to offend ethics or morality, otherwise such would be a paradox and contradiction.

*The Report of the Law Society of Upper Canada*

On evidence the report was never an exhibit, was not discussed and should not have formed part of the Rand report. It does not lie within the mouth of the Commissioner to say it "played no part whatever in arriving at the conclusions of fact set out in this report".

Mr. Justice Rand, as he then was, quoted Lord Eldon in *Walker v Frobisher* (1801-6 Ves.Jr. 70) with approval.

"A judge may not take upon himself to say whether improperly admitted evidence had or had not an effect upon his mind. The award may have done perfect justice but upon general principles it cannot be supported."

(*Szilard v Szasa* 1955 S.C.R. 3)



A Judge is not a member of the Law Society.

The Report is made ex-parte, disregarding the Report of Magistrate Marck, and disregarding its approval by the Attorney-General of Ontario.

See Also:

Shumiatcher and the Law Society of Saskatchewan (Dec. 6. 1966)

Samuel Max Meher v the Law Society of Upper Canada (1955 S. C. R. 344)

March 8th, 1967.

RESPECTFULLY SUBMITTED

Messrs. David Humphrey, Q. C.

T. J. Donnelly,  
Counsel.

---





OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

Translated by the General Bureau for Trans-  
lation, Secretary of State.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

First Session—Twenty-seventh Parliament  
1966-67

---

THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS  
RESPECTING

**MR. JUSTICE LANDREVILLE**

---

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang

and

Mr. Ovide Laflamme, M.P.

---

MINUTES OF PROCEEDINGS

No. 7

---

THURSDAY, MARCH 16, 1967

---

Including

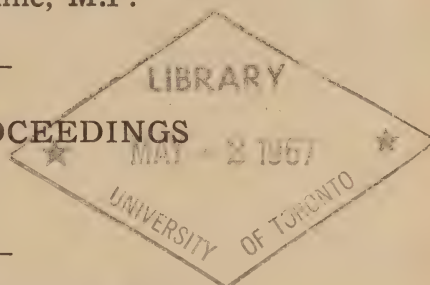
SECOND AND THIRD (FINAL) REPORTS TO  
BOTH HOUSES OF PARLIAMENT

and

LIST OF APPENDICES

---

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1967





THE SPECIAL JOINT COMMITTEE OF THE SENATE  
AND OF THE HOUSE OF COMMONS RESPECTING  
MR. JUSTICE LANDREVILLE

*Joint Chairmen:*

The Honourable Senator Daniel A. Lang and Mr. Ovide Laflamme, M.P.

*Representing the Senate:*

*Representing the House of Commons:*

The Honourable Senators

Cook,  
Fournier  
(*de Lanaudière*),  
Hnatyshyn,  
Langlois,  
Macdonald (*Cape  
Breton*)—(6).

Mr. Bell (*Carleton*),  
Mr. Cashin,  
Mr. Fairweather,  
Mr. Gilbert,  
Mr. Goyer,  
Mr. Guay,

Mr. McCleave,  
Mr. McQuaid,  
Mr. Patterson,  
Mr. Stafford,  
Mr. Tolmie—(12).

(Quorum 7)

Fernand Despatie,  
*Clerk of the Committee.*

## REPORT TO THE SENATE

Extract from the *Minutes of the Proceedings of the Senate*, Friday, March 17, 1967:

"The Honourable Senator Cook for the Honourable Senator Lang, from the Special Joint Committee of the Senate and House of Commons respecting Mr. Justice Léo Landreville, tabled the Second Report of the aforementioned Special Joint Committee."

J. F. MacNEILL,  
*Clerk of the Senate.*

(see also *Third and Final Report to the House of Commons*)



## REPORTS TO THE HOUSE OF COMMONS

FRIDAY, March 17, 1967.

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville has the honour to present its

## SECOND REPORT

1. On November 21st, 1966, the House of Commons passed an Order, the first paragraph of which reads as follows:

"That a joint committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency praying for the removal of Mr. Justice Léo Landreville from the Supreme Court of Ontario, in view of the facts, considerations and conclusions contained in the report of the Honourable Ivan C. Rand concerning the said Mr. Justice Léo Landreville, dated the 11th day of August, 1966 and tabled in the House of Commons on the 29th day of August, 1966;"

The Honourable Ivan C. Rand's Report was tabled in the Senate on November 22nd, 1966, and on November 30th, 1966 the Senate resolved to unite with the House of Commons for the above mentioned purpose.

2. In accordance with its terms of reference, during the course of nineteen (19) meetings, the Committee applied itself to, and carefully examined the facts, considerations and conclusions contained in the said report.

3. The Committee invited Mr. Justice Landreville to appear before it as a witness. He testified at eleven (11) meetings of the Committee and answered questions from Members of and Counsel to the Committee.

4. The report of the Honourable Ivan C. Rand states:

"No question is raised of misbehaviour in the discharge of judicial duty; the inquiry goes to conduct outside that function."

5. The reflections of the Honourable Ivan C. Rand on Mr. Justice Landreville's character were not considered pertinent and thus played no part in the Committee's decision.

6. After hearing the testimony of Mr. Justice Landreville and considering the report of the Honourable Ivan C. Rand, the Committee finds that Mr. Justice Landreville has proven himself unfit for the proper exercise of his judicial functions and, with great regret, recommends the expediency of presenting an address to His Excellency for the removal of Mr. Justice Landreville from the Supreme Court of Ontario.

7. A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 to 7*) will be tabled later.

Respectfully submitted,  
OVIDE LAFLAMME,  
*Joint Chairman.*

THURSDAY, April 13, 1967.

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville has the honour to present its

THIRD AND FINAL REPORT

On Friday, March 17, 1967, the Committee presented its SECOND REPORT relating to Mr. Justice Landreville. The Committee now tables a copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 to 7*).

Respectfully submitted,  
OVIDE LAFLAMME,  
*Joint Chairman.*

(The Third and Final Report will also be tabled in the Senate)



LIST OF APPENDICESAPPENDIX—to ISSUE NO.

Letter, dated February 15, 1967, from Mr. Yves Fortier, Counsel to the Committee, to Mr. David Humphrey, Q.C., representative of Mr. Justice Landreville .....	A	2
Telegram, dated February 21, 1967, from the Counsel to the Committee, to Mr. Justice Landreville .....	B	2
Telegram, dated February 21, 1967, from the Counsel to the Committee, to Mr. David Humphrey .....	C	2
Magistrate Albert Marck's judgment, dated at Sudbury, Ontario, October 8, 1964 .....	D	5
Press Release, issued by the Honourable A. A. Wishart, Q.C., Attorney General of Ontario, dated October 1964 .....	E	5
Magistrate Albert Marck's letter of June 12, 1965, addressed to Mr. W. Earl Smith, Secretary, The Law Society of Upper Canada	F	6
"Memorandum on Procedure and Parliamentary Precedents", submitted by Messrs. David Humphrey, Q.C. and T. J. Donnelly, dated March 8, 1967 .....	G	6

---

—see also "Memorandum on Procedure", submitted by Dr. Maurice Ollivier, Parliamentary Counsel (Issue no. 1, page 12, under "Evidence"—not printed as an appendix)—

## MINUTES OF PROCEEDINGS

(Reprint)

THURSDAY, March 16, 1967.

(19)

The Special Joint Committee of the Senate and of the House of Commons respecting Mr. Justice Landreville met *in camera* this day, at 8.40 p.m. The Joint Chairmen, the Honourable Senator Lang and Mr. Laflamme, presided.

*Members present:*

*Representing the Senate:* The Honourable Senators Cook, Fournier (*de Lanaudière*), Hnatyshyn, Lang, Langlois, Macdonald (*Cape Breton*)—(6).

*Representing the House of Commons:* Messrs. Bell (*Carleton*), Cashin, Guay, Laflamme, McCleave, McQuaid, Patterson, Tolmie—(8).

*Counsel present:* Dr. Maurice Ollivier, Parliamentary Counsel.

The Subcommittee on Agenda and Procedure submitted a new draft of a report which the Committee considered paragraph by paragraph.

The said draft report was amended and adopted unanimously, with the exception of one paragraph thereof which was adopted on division.

The Joint Chairmen were directed to present the draft report as amended, as the Committee's Second Report to both Houses of Parliament.

Members expressed appreciation to Dr. Maurice Ollivier, Parliamentary Counsel, and Mr. Yves Fortier, Counsel to the Committee, for the assistance which they provided to the Committee.

At 10.40 p.m., the Committee adjourned *sine die*.

Fernand Despatie,  
*Clerk of the Committee.*

**OFFICIAL REPORT OF MINUTES  
OF  
PROCEEDINGS AND EVIDENCE**

This edition contains the English deliberations  
and/or a translation into English of the French.

Copies and complete sets are available to the  
public by subscription to the Queen's Printer.  
Cost varies according to Committees.

Translated by the General Bureau for Trans-  
lation, Secretary of State.

**LÉON-J. RAYMOND,**  
*The Clerk of the House.*











